STATE ACTIVITIES IN RELATION TO LABOR IN THE UNITED STATES

SERIES XIX NOS. 4-5

JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics are present History.—*Freeman*

STATE ACTIVITIES IN RELATION TO LABOR IN THE UNITED STATES

BY WILLIAM FRANKLIN WILLOUGHBY

(*U. S. Department of Labor*)

BALTIMORE

THE JOHNS HOPKINS PRESS

APRIL-MAY, 1901

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The Lord Baltimore Press
THE FRIEDENWALD COMPANY
BALTIMORE, MD., U. S. A.

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PREFACE

It is a matter of interest to students both of economics and politics to trace the widening sphere of action of the American States in relation to labor. Something over ten years ago I had occasion, in a paper read before the American Historical Association,[1] to call attention to the fact that, whatever might be the general decline in importance of the individual commonwealths of our Union, a very great extension of their activities had taken place since the Civil War in respect to matters relating to the economic interests of their citizens. This intervention, as was then shown, was not in the way of the direct performance or even the promotion of works of public interest, but rather in the creation of boards, bureaus and commissions, having for their purpose, either the investigation and publication of economic conditions, as is done, for instance, by boards of agriculture, geological surveys, and bureaus of statistics of labor, or the supervision of particular lines of industry, such as banking, insurance, transportation, and factory and mine work.

This movement for the extension of state action has continued with unabated strength during the past decade in all the lines of activities there considered. In none, however, has this intervention advanced with greater rapidity, or proceeded further, than in that relating directly to conditions under which labor shall be performed. This action may be divided into two distinct classes; that in which the intervention of the state is limited to the mere enactment of laws in relation to labor, and that in which the state itself undertakes, through the executive branch of its government, to

[1] State Activities and Politics.

perform certain work. The scope of the present chapters is restricted to a consideration of only the second class of these activities, namely, those wherein the state itself assumes the performance of certain duties. The general title of "state activities," rather than state action, in relation to labor has been selected, though it cannot be said that this choice of words adequately conveys the distinction that is made.

The substance of the pages that follow has been previously published in one form or another. The chapter relating to the inspection of factories was first published as a report to the International Congress in Relation to Labor Legislation, Brussels, 1897, and afterwards republished in Bulletin No. 12 of the U. S. Department of Labor. The one on inspection of mines appeared as a chapter in "The Mineral Industry: Its Statistics, Technology and Trade, 1896," and it is desired here to acknowledge the kindness of Mr. Richard P. Rothwell, its editor, in permitting its use in this place. These two and the other papers also constituted numbers of the series of "Monographs on American Social Economics," edited by Prof. Herbert B. Adams and published by the Department of Social Economy for the United States Commissioner to the Paris Exposition of 1900.

It is thought that a useful purpose will be served in bringing these papers together in a single monograph, as they cover in a fairly complete way the action of the American States in a distinct line of effort. All the papers, it should be said, have been rigidly revised with the purpose of eliminating unnecessary matter, bringing the information to date, and making it harmonize with the scope of the present monograph.

STATE ACTIVITIES IN RELATION TO LABOR IN THE UNITED STATES

CHAPTER I.

BUREAUS OF STATISTICS OF LABOR.

To the United States belongs the honor of having first created an official bureau for the special purpose of collecting and publishing statistical information in relation to labor. The first official action looking toward this end is to be found in the report of a special commission of the legislature of Massachusetts, February 6, 1866, which among others things, recommended "that provision be made for the annual collection of reliable statistics in regard to the condition, prospects and wants of the industrial classes." In the following year, January 1, a second commission unanimously recommended "that a bureau of statistics be established for the purpose of collecting and making available all facts relating to the industrial and social interests of the Commonwealth." In pursuance of these recommendations Massachusetts created the first bureau of labor statistics by a law dated June 22, 1869.

The example of Massachusetts, which had thus led the way, was soon followed in 1872 by Pennsylvania, and in 1873 by Connecticut. Since then the number of states maintaining such bureaus has constantly increased until at the present time there are 29 states with such offices. In addition to these a number of states have created bureaus, a part of whose duties is apparently, according to provisions of the laws creating them, the collection of statistics of labor. As they have, however, done little or nothing, as yet, in the

way of publishing labor statistics they are not included in the number given above. Two states, South Dakota and Utah, created bureaus of labor, but have since abolished them. In 1884 the United States created a bureau of labor under the interior department, which in 1888 was transformed into the existing department of labor.

In the following statement is given a list of the bureaus of labor statistics existing in the United States and the years in which they were established. In a number of cases the bureaus were not organized for work till the year following that in which they were created.

It would not be practicable to give the organization of each of these bureaus. In general the personnel of each bureau consists of a chief or commissioner and occasionally a deputy commissioner appointed by the governor of the state, and a few clerks, often not more than two or three. Special mention, however, should be made of the organization of the Kansas bureau as reconstituted by the recent law of January 11, 1899.

This law provides for a radical departure from the method employed by the other states in the organization of the bureau and the selection of its officers. The law in brief provides that any organization of seven or more workingmen for the purpose of studying labor conditions or the improvement or promotion of the branches of labor represented by them, or for certain other purposes, shall have the right of sending one delegate for the first 50 members or fraction thereof and one delegate for each additional 100 members to the annual meeting of the State Society of Labor and Industry to be held at the state capital.

Upon assembling, these delegates shall organize as the State Society of Labor and Industry above mentioned, and shall elect a president, vice-president, secretary and assistant secretary, which officials shall constitute a state bureau of labor and industry, and the secretary shall be ex-officio the commissioner of the bureau. The president and vice-president are elected annually, but the secretary and assistant

No.	State.	Official name of office.	Year established.
1	Massachusetts	Bureau of Statistics of Labor	1869
2	Pennsylvania	Bureau of Industrial Statistics	1872
3	Connecticut	Bureau of Labor Statistics	1873[1]
4	Ohio	Bureau of Statistics of Labor	1877
5	New Jersey	Bureau of Statistics of Labor and Industries	1878
6	Indiana	Bureau of Statistics	1879
7	Missouri	Bureau of Labor Statistics and Inspection	1879
8	Illinois	Bureau of Labor Statistics	1879
9	California	Bureau of Labor Statistics	1883
10	Wisconsin	Bureau of Labor and Industrial Statistics	1883
11	New York	Bureau of Labor Statistics	1883
12	Michigan	Bureau of Labor and Industrial Statistics	1883
13	Maryland	Bureau of Industrial Statistics and Information	1884
14	Iowa	Bureau of Labor Statistics	1884
15	United States	Department of Labor	1884[2]
16	Kansas	State Bureau of Labor and Industry	1885[3]
17	North Carolina	Bureau of Labor Statistics	1887
18	Maine	Bureau of Industrial and Labor Statistics	1887
19	Minnesota	Bureau of Labor Statistics	1887
20	Colorado	Bureau of Labor Statistics	1887
21	Rhode Island	Bureau of Industrial Statistics	1887
22	Nebraska	Bureau of Labor and Industrial Statistics	1887
23	West Virginia	Bureau of Labor	1889[4]
24	North Dakota	Department of Labor and Statistics	1889
25	Tennessee	Bureau of Labor Statistics and Mines.	1891
26	Kentucky	Bureau of Agriculture, Labor and Statistics	1892[5]
27	Montana	Bureau of Agriculture, Labor and Industry	1893
28	New Hampshire	Bureau of Labor	1893
29	Washington	Bureau of Statistics, Labor, Agriculture and Immigration	1895
30	Virginia	Bureau of Labor and Industrial Statistics	1898

[1] Abolished in 1875; reestablished in 1885.
[2] Created as a bureau under the Interior Department in 1884; established as a department in 1888.
[3] Reorganized by law of January 11, 1899.
[4] First report published in 1894.
[5] First established March 20, 1876, as Bureau of Agriculture, Horticulture and Statistics. It was reorganized, had its duties enlarged, and was given its present title April 2, 1892.

secretary hold office for two years and can be reelected. A permanent office for the bureau is provided in the state capitol. Provision is also made for a stenographer, and the commissioner is given the power to employ special agents and other assistants as may be necessary. The following salaries and appropriations for the work of the bureau are provided by the act: commissioner $1500, assistant commissioner $1200, stenographer $720, for special agents and other assistants $800, for postage and expressage $800, traveling and other expenses $1500.

The powers and duties of the bureau are practically the same as those of other state bureaus of labor. The most significant feature of this scheme is that it provides for the creation under state auspices of a general society to consist of delegates of labor organizations, and that the appointment of officers of the state bureau of labor and therefore their control is taken away from the governor and given to this society and therefore absolutely into the hands of the workingmen themselves. The law is a unique piece of legislation, and its workings may be followed with interest.

Regarding the resources at the command of these labor bureaus the appropriations for their support are usually small in amount, being but little more than sufficient to pay the salaries of the commissioner and his assistants. The United States department of labor, on the other hand, possesses an effective organization. At its head is the commissioner of labor. Under him the force consists of a chief clerk, a disbursing clerk, four statistical experts, 51 clerks, messengers and laborers, and 20 special agents. In addition, from 20 to 30 experts are carried on the temporary roll, their salaries being paid from a special appropriation for the payment of the expenses of agents in the field and the employment of extra experts as required by the work of the department. The total force of the department thus varies from 110 to 115. The work of the department is clearly divided into field and office work. The 20 special agents constitute the field force and except in rare cases are con-

tinuously in the field collecting the information desired by the department. When necessary, they are assisted by members of the office force temporarily detailed for that purpose.

The total regular appropriation for the department for the year, 1899-1900, was $172,980. This does not include $8000 appropriated to defray the cost of the printing and binding required by the department in the prosecution of its work, nor the cost of printing and binding the regular reports and bulletins of the department.

Turning now to the duties of these bureaus, their primary function in all cases is the publication of material showing labor conditions; and these offices are therefore, in spite of their various titles, known under the general name of labor bureaus. It is important to note, however, that the efforts of most if not all of the bureaus are directed towards obtaining and publishing information concerning social conditions other than those strictly relating to labor. Thus the act creating the Massachusetts bureau, which has served as the model for the acts of the other states, says that "the duties of such bureau shall be to collect, assort, systematize and present in annual reports . . . statistical details relating to all departments of labor in the Commonwealth, specially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the Commonwealth."

The law creating the United States department of labor gives the new department, if possible, even broader powers to investigate any subject at all concerning the economic or industrial condition of the country. Section 1 of the law thus reads: "There shall be at the seat of the government a department of labor, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor in the most general and comprehensive sense of that word, and especially upon its relation to capital, the

hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral prosperity."

Acting either under their general powers, or as the result of specific legislative powers, most of the bureaus, therefore, publish statistics concerning subjects other than labor, as agriculture, production, penal and reformatory institutions, education, taxation, etc.

The results of the investigations made by the bureaus are for the most part published in annual or biennial reports. The majority of the bureaus issue annual reports. Those of the following states, however, publish theirs biennially: Indiana, Illinois, California, Wisconsin, Maryland, Iowa, Minnesota, Colorado, Nebraska, North Dakota, Washington and Virginia. It will be seen that with the exception of Maryland and Virginia the practice of issuing reports biennially is confined to the middle western and western states.

In a number of cases publications other than the regular annual or biennial reports are issued. The United States department of labor thus issued special reports, and since November, 1895, issues a bimonthly bulletin. The Massachusetts bureau publishes the results of the state censuses, an annual report concerning manufactures, and since January, 1897, a bulletin which appears quarterly. The New York bureau likewise issues a quarterly bulletin. The Illinois bureau makes an annual report concerning coal mining, and a number of bureaus issue bulletins giving the labor laws of the states.

The main purpose of these bureaus, as has been said, is the collection and publication of information in relation to labor and social conditions generally. In addition to this duty, however, these bureaus have, in a number of cases, been entrusted with other duties. A brief mention should be made of these in order to give a complete idea of the character and activities of these bureaus.

At least two of the states, Massachusetts and Rhode Island, provide that the state census shall be taken by these

offices. In a number of cases the commissioner of labor has been entrusted with the duties of factory inspection and the enforcement of the labor laws of the state. This is true of the states of Maine, Michigan, Minnesota, Missouri, Nebraska, Tennessee, Washington and Wisconsin. In two of these states, Missouri and Tennessee, the commissioner of labor is also required to act as the inspector of mines. In Maine there is a special inspector of factories, but he is required to report to the commissioner of labor, and his reports are published in the annual reports of the latter.

In North Dakota and Missouri the commissioner of labor is directed to intervene in labor disputes for the purpose of attempting their mediation or arbitration, and by the recent act of June 1, 1898, the United States commissioner of labor is directed, in conjunction with the chairman of the Interstate commerce commission, to act in much the same way for the settlement of labor disputes affecting railroads engaged in interstate traffic.

Within recent years a very important movement has developed for the creation of free public employment bureaus. Such action has been taken by the states of Ohio, New York, Illinois, Missouri, California and Maryland, and in all cases these offices are placed under the supervision or direct management of the state bureau of labor. In the three states first named quite elaborate systems have been created, and their work thus constitutes a not unimportant part of the services of the bureaus of labor to which they are attached. Further details are not given, as a full account of their organization and operation will be found in the special chapter devoted to that subject.

A few words should be said regarding the system of work of the United States department of labor, a system also employed in Massachusetts, as it constitutes the most scientific application of the statistical method attempted in any statistical bureau, and as such has profoundly influenced methods of statistical inquiry throughout the world. The system is one which originated in this country and thus

constitutes a positive contribution on the part of the United States to statistical science. It is thus described by the commissioner of labor:

> The information under any investigation is usually collected on properly prepared schedules of inquiry in the hands of expert special agents, by which means only the information which pertains to the investigation is secured. Rambling and nebulous observations, which would be likely to result from an investigation carried on by inquiries not properly scheduled, are thus avoided. The great advantages of this method have been demonstrated by many years of experience. Sometimes the peculiar conditions accompanying an investigation admit of the use of the mail, but as a rule the attempt to collect information upon any given subject under investigation through the mail has proved a failure. With properly instructed special agents, who secure exactly the information required, who are on the spot to make any explanation to parties from whom data are sought, and who can consult the books of account at the establishment under investigation, the best and most accurate information can be secured, and in a condition for tabulation; in fact, sometimes under this method the tabulation is partly accomplished by the form of inquiry and answer as shown by the schedule.
>
> After the information is brought into the office the schedules containing it are subjected to the most careful scrutiny for the purpose of ascertaining whether there are any logical faults or incongruities in it. If such are found the agent furnishing it is called upon to verify his work. Under such circumstances a schedule could not be accepted, and there must be a reexamination. When the schedules are all verified the classifications and tabulations are made, every calculation being subjected to rigid verification in the preparation of copy for the press, and in the reading of the proof all original calculations must again be verified, all references reexamined, and every care taken to guard against typographical as well as clerical errors. Figures from the officers of the department or from the most skilled expert in it are never allowed to be printed until verified.

It is not an easy matter to set forth the specific way in which these organizations have justified their creation, through reforms brought about as the result of their work. The same difficulty is here met with as in the effort to show the good resulting from the work of a university. We know, nevertheless, that they have accomplished a great deal of good. Col. Wright, the United States commissioner of labor, in his article on " The value and influence of

labor statistics" in the *Engineering Magazine* for November, 1893, enumerates a number of instances in which positive remedial legislation of great value has resulted from their investigations. Among these were laws removing evils connected with tenement houses, the truck system, employers' liability, employment agencies, sweating system, etc.

On the other hand it is well to admit that the work of many of the bureaus is far from as valuable as it is desirable that it should be, and there are few classes of social data that should be used by students of economics with greater discrimination.

While the work of many of the older bureaus is of a high order, that of others, owing either to the smallness of the appropriations available for their support, or because the need for trained economists or statisticians as their directing heads is not recognized, is of comparatively little value. In this connection it is a matter of congratulation to note the calling of a specialist in economics, Dr. Adna F. Weber, by the state of New York as Deputy Commissioner of Labor, an action which has already borne fruit in a number of interesting reports.

In spite of this failure on the part of a number of the bureaus to reach the highest standard in their work, few will deny that, as a whole, the results achieved have justified their creation. In a democratic country such knowledge of conditions as they give may almost be said to be essential. For one reason or another many of the best writings of economists never reach the eyes of the actual business man and worker. The labor reports receive a wide circulation among such classes of the population, and but for them the industrial population would have little opportunity of gaining information concerning labor conditions in their general aspects as affecting the whole people.

CHAPTER II.

EMPLOYMENT BUREAUS.

An examination of the subject of employment bureaus in the United States involves a consideration of two distinct kinds of institutions: private employment offices, or intelligence agencies, as they are frequently called, and free public employment bureaus organized in connection with the bureaus of labor statistics of a number of the states. The aims and purposes of these two kinds of institutions are radically different. The first are purely money-making undertakings organized by individuals for the purpose of personal gain. The second are organized under the auspices of the state and are public institutions for the assistance of the working classes. The first are now looked on often as an evil; the second are beneficent institutions contributing to the welfare of the laboring men.

Though the consideration of the regulation of private employment bureaus does not properly fall within the scope of our present study, it is necessary to give some reference to it in order to show the reasons leading up to the decision of the states to maintain such bureaus as state institutions.

Private employment agencies have existed in the United States for a great many years. They seem to have been very prosperous undertakings from the standpoint of financial gain to their promoters, as it is not unusual for as many as forty or fifty offices to be found in a single city. Apparently there is no reason why such agencies, especially in the absence of a free employment bureau, could not be of considerable use in assisting the unemployed to find positions, and there is little doubt that in some cases where they are honestly administered good is accomplished. The trouble

is that such cases of honest management form the exception. Having to do with an ignorant and helpless class these agencies are in a great many cases but institutions for defrauding and victimizing the poor people. Exorbitant fees are charged for the mere registering of applicants for work, and afterwards little or no effort is made to secure positions for them. Advertisements are inserted in the daily newspapers for laborers of a certain class when there is not the slightest demand for such labor. In fact, all sorts of deception and extortion are resorted to. In some cases the office is in connection with a saloon, in order to get the applicants to spend the little money they have in drink while waiting for employment.

The state labor bureaus have repeatedly made investigations of these employment agencies, always with the result that they were condemned as injurious institutions. Thus the commissioner of the Missouri labor bureau in his report for 1897 says:

> Not all of the employment agencies can be classed as fraudulent, but in all the investigations made by this department in St. Louis alone, a large majority of them were found to outrival in their methods the worst gambling and confidence games in this city. Yet their systems of robbery are so cunningly devised and so skilfully operated that it is almost impossible to convict them under the existing law.

The Maryland commissioner of labor, as a result of a special examination of these agencies, in his report for 1896 says:

> The inquiry, together with what came under our immediate notice, emphasized that reliable agencies were able to do some good, but that the unreliable ones would justify a statement to the effect that their existence is a standing menace to those compelled to seek the aid of employment agencies, greatly overshadowing all other considerations, and causing people to concur in the opinion that the unemployed would have a less rugged road to travel without this proffered assistance.

It is unnecessary to comment further on these abuses. It is sufficient to say, that not only has the establishment of

employment agencies under private auspices contributed but little or nothing to the solution of the problem of unemployment, but their existence has developed evils which far outweigh any advantages obtained in isolated cases. The result of these abuses is that in quite a number of states special legislation has been enacted looking to their suppression or at least rigid control. The essential character of this legislation can be briefly set forth:

An examination of the labor laws of the states shows that 12 states, Colorado, Illinois, Louisiana, Maine, Massachusetts, Minnesota, Montana, Missouri, New Jersey, New York, Pennsylvania and Rhode Island, have enacted legislation of some kind in regard to employment agencies.

Of these, the laws passed by a great many of the states are of comparatively little importance. The laws of New Jersey and Rhode Island simply provide that the cities and towns of the state, may, if they desire to do so, require any person desiring to open an employment agency to obtain a license from the municipal authorities, and may fix the sum to be paid for such license. The Missouri law merely makes it a misdemeanor punishable by law for an employment agency to accept a fee or remuneration of any kind unless a situation is secured for the person making the payment. The Massachusetts law in like manner prohibits the taking of a fee unless a position is secured. The Louisiana law provides that persons desiring to conduct employment agencies must obtain licenses and give a suitable bond. The Colorado law fixes the amount to be paid for a license at not more than $100, and requires a bond of $2000. The Pennsylvania law fixes the license fee for employment agencies at $50, and provides that the proprietor of any such agency giving false information or making false promises concerning positions to be obtained shall be deemed guilty of a misdemeanor and be prosecuted criminally by the state. The New York law is very similar. In Minnesota the license fee is fixed at $100 and the bond at $10,000. In Illinois the license fee is $200 and the bond $1000. The

Maine law says that the mayors of towns may grant licenses to employment agencies on the payment of $1, and prohibits the charging of a fee unless a position is secured.

It will be seen from the foregoing that the legislation in all of the states taking action in regard to this question is along the same lines. The essential points are: that a license must be obtained; that no fees can be collected unless a position is secured for the person making the payment; that a bond must be given from which damages resulting from any fraud or misrepresentation on the part of the agency may be paid; and that any agency making fraudulent misrepresentation or promises shall be deemed guilty of a misdemeanor, and as such, amenable to criminal prosecution. No one law embraces all these points. But the enumeration given indicates the points covered and shows the general character of the legislation. The text of all these laws may be consulted in the report of the Department of Labor on labor laws in the United States, second edition, 1896 (see heading " employment agencies " in index for references to exact pages), and the Bulletins of the Department.

From the study of private employment agencies organized as money-making schemes, we now turn to an examination of the much more interesting class of free employment bureaus organized under the auspices of the state. It is possible that some of the cities may have organized municipal employment bureaus, but if they have done so it is impossible to obtain any detailed information concerning them.[3] During the industrial depression beginning with the year 1893 a great many of the cities did more or less in the way of attempting to find employment for those out of work. Such action was, however, temporary and can not be considered as creating employment bureaus properly speaking. Our examination here, therefore, must

[3] Since the above was written, information has been received of the interesting and important municipal employment bureau of Seattle, Washington.

be restricted to the employment bureaus organized by the state bureaus of labor.

At the present time there are quite a number of such bureaus in operation. The beginning was made by the state of Ohio in 1890. It may not be uninteresting to call attention to the fact that the creation of the Ohio bureau, and, therefore, the inauguration of free employment bureaus in the United States, is directly due to the influence of similar institutions in France. On the occasion of the Paris international exposition of 1889, a league of newspapers sent a delegation of prominent labor men to Europe to study old world conditions. Among the members of this league was W. T. Lewis, who afterwards became the chief of the Ohio bureau of labor statistics. Mr. Lewis was particularly impressed with the work of labor bureaus in Paris and brought it to the attention of the laboring people of Ohio. The Municipal Labor Congress of Cincinnati, an organization of the trade and labor unions of the city, took the matter up, and urged the creation of a similar institution in Ohio. Its recommendation was favorably received, and a law was passed in 1890 directing the commissioner of labor to create in each of the five principal cities of the state a free public employment bureau.

For some time this action on the part of Ohio remained without imitators on the part of other states. The results accomplished, however, attracted attention, and other states began to examine the question. On May 28, 1896, New York passed a law requiring the organization of a similar office in New York city by the bureau of labor of the state, and on April 13, 1897, the state of Nebraska did the same. Finally Illinois by Act of April 17, 1899, has made the most elaborate provision for the establishment of a system of free public employment bureaus yet attempted by any state.

Though these are the only states that, by legislation, have specifically authorized the creation of a free state employment bureau, in a number of others the commissioners of labor have believed that they had the power under the

general acts creating their bureaus to establish such offices. Missouri, California, Kansas and Maryland thus created free employment bureaus in connection with their labor bureaus which are identical in character with those specifically created by law. The California bureau was created about July, 1895, when a great many workingmen and women were out of employment, and its expenses were entirely borne by private subscription. It continued in operation only about a year, as the return of better times removed the pressing need of its services.

The Kansas bureau is conducted on a small scale. The commissioner of the labor bureau writes:

> By reason of our close touch to organized labor and the workingmen in this state, we have established a voluntary free employment agency where both the employers and persons seeking employment may register and thereby be aided to employment. This voluntary agency may be said to be local in its character, being confined largely to the city and vicinity.

In 1893 Montana, in the law creating a bureau of labor statistics, provided that its commissioner should maintain in his office a free public employment bureau, and also granted permission to any city to open a similar office if it desired to do so. In 1897, however, that portion of the law requiring the commissioner of labor to maintain a free employment bureau in his office was repealed. It was provided, however, that the employment bureaus established by the cities should report to the commissioner of labor and he in turn to report on their operation.

At the present time, therefore, free public employment bureaus are maintained by the labor bureaus of seven states, Ohio, Nebraska, New York, Illinois, Missouri, Kansas and Maryland.

Of these bureaus, the system recently created by Illinois is much the most elaborate and consequently bids fair to be the most important. In the following paragraphs its most essential features are briefly summarized.

The law provides that a free public employment bureau

shall be created in each city of the state with a population of 50,000 or over, and that three such offices shall be opened in every city (of which Chicago is the only example) containing a population of 1,000,000 or over. These offices are to be designated as "Illinois free employment offices." On the recommendation of the commissioner of labor, the governor shall appoint a superintendent, assistant superintendent and a clerk for each of the offices, with salaries of $1200, $900 and $800 per annum respectively. Such sums as are necessary for defraying the cost of equipping and maintaining the office shall be furnished by the treasury of the state. Each office must have in front a conspicuous sign bearing the words "Illinois free employment office."

The superintendent of each of the offices must receive and record in books kept for that purpose the name, address and character of employment or help desired of each person applying for employment or help. Separate rooms shall be provided for the men and women registering for situations or making applications for help.

It is readily understood that the vital point in the organization of an employment bureau is the devising of means for obtaining knowledge of persons and firms who are in need of help. To this end the law requires that it shall be the duty of the superintendents to put themselves in communication with the principal manufacturers, merchants or other employers of labor and seek to secure their active cooperation. Each superintendent can also expend not more than $400 yearly in advertising in the columns of the daily newspapers or otherwise. It is also the duty of all factory and coal mine inspectors to do all in their power to assist in securing situations for applicants for work. They must immediately notify the superintendent of the employment office of any opportunities for employment that come to their notice, describe the character of work and causes of scarcity of workmen, and seek to secure for the employment offices the cooperation of employers in factories and mines in every way possible. The services of these offices

shall be absolutely free. No fee or compensation of any kind shall be charged either directly or indirectly.

The duties of a state employment bureau in case of vacancies caused by strikes is often a difficult one for determination. To obviate any friction that might arise in such cases, the law provides that in no cases shall help be furnished employers whose employees are on strike or locked out; nor the list of applicants for work be shown to such employers.

In order that the work of the different offices may be unified and centralized each superintendent is required to report on the Tuesday of each week to the state bureau of labor the number of applicants for employment or for help, the number of unfilled applications remaining on the books, the number of situations desired and the number of persons wanted at each specified trade or occupation, and the number and character of the positions secured during the week.

On the receipt of these lists and not later than Saturday of each week the bureau of labor must cause to be printed the information thus received from all the offices, and mail to each superintendent two copies, one to be kept on file and one to be conspicuously posted in each employment office; copies must also be mailed to each state inspector of factories and inspector of mines.

In addition to these weekly reports each superintendent must make an annual report to the state bureau of labor statistics setting forth the work performed by his office and the expense incurred by him, and these reports shall be published annually by the bureau. Each superintendent is also required to perform such other duties in the collection of statistics of labor as the labor bureau may require.

There remains another feature of this law that is of special interest to students of social conditions. Careful provision is made for the collection of sociological data concerning applicants for work, in order that statistical material may be obtained for studying the causes and extent of unemployment. The law thus requires that a special

register must be kept for applicants for employment, showing the age, sex, nativity, conjugal condition and occupation of each applicant, the cause and duration of his or her unemployment and the number of dependent children, together with such other facts as may be required by the bureau of labor statistics for its use. As this information is sometimes of a character that individuals are unwilling to have generally known, the law wisely provides that this register shall not be open to general public inspection, and the material when published must not reveal the identity of any person figuring in the register. Furthermore, the applicants for work can decline to answer any of these questions if they desire to do so.

The employment offices established by the other states can be more briefly considered. In general, the system created is a very simple and inexpensive one, and is much the same in all the bureaus whether created by a specific law or organized under the general law creating the labor bureau. The commissioner of the Missouri bureau describes his method of conducting the affairs of the bureau as follows. Its reproduction will serve to show the manner of action in all the other bureaus.

> The plan of operation is extremely simple and businesslike, and entirely devoid of red tape. Applicants for employment are required to file their applications on a blank furnished by the department; giving their name, address, age, sex, nativity, kind of employment desired, wages required, when last employed, cause of idleness, reference as to character, etc., etc. All such applications are registered for 30 days and then dropped from the list, when employment is not secured. Applicants have the privilege of renewing their applications every 30 days if they desire till employment is secured. Persons desiring help are required to file an application in the same manner on a blank furnished by the department, stating in exact terms the kind of laborer wanted, wages, term of service, etc., which application is also registered for the term of 30 days, or till help is secured.
>
> Whenever applications are received, and registered, a number of parties making application for the position designated are promptly notified by postal card and given the address of the applicant for service. In this way the unemployed and the employed are brought together with little difficulty, and at no more expense than the cost

of a postage stamp. All possible care is taken to prevent the registration of irresponsible parties.

RESULTS ACHIEVED.—An account of the workings and results achieved by these various bureaus constitutes a part of the regular reports of the commissioners of the states having these bureaus. The majority of these bureaus, however, have been so recently created that an opportunity is not afforded of judging results. The work done in Ohio is by far the most important, both because it is there that the system was first inaugurated, and has therefore been in operation the longest, and because bureaus are organized in five different cities instead of in a single one as in most of the other states. In order to show the workings of these bureaus, the following table has been compiled which shows for all five cities combined, the number of persons making application for work each year and the number for whom positions were secured each year since the establishment of the system:

Year.	MALES.		FEMALES.		BOTH SEXES.	
	Applications for work.	Positions secured.	Applications for work.	Positions secured.	Applications for work.	Positions secured.
1890.....	14,529	5,575	5,607	3,413	20,136	8,988
1891.....	21,457	6,967	12,914	8,628	34,371	15,595
1892.....	15,522	5,905	11,424	7,840	26,946	13,745
1893.....	14,169	4,566	12,685	8,635	26,854	13,201
1894.....	14,521	2,140	14,616	7,626	29,137	9,766
1895.....	14,165	2,677	13,793	9,048	27,958	11,725
1896.....	12,668	2,781	15,030	10,164	27,698	12,945
1897.....	13,159	3,912	13,298	13,135	26,457	17,047
1898.....	12,778	3,930	12,324	13,278	25,102	17,208
1899.....	15,259	5,058	10,886	9,931	26,145	14,989

It will be noticed, as the most striking fact brought out by this statement, that during recent years at least, positions have been secured for from one-third to one-fourth of all male applicants for work, while in the case of females the number of positions secured about equals and, in the case of 1898, exceeded the number of applicants. The report for 1899 states that during that year there were applications from employers for 6216 male and 17,681 female workers. In both cases, therefore, there was a larger number of applications for help than there were positions secured. The report unfortunately does not state the kind of occupations for which positions were obtained. There is reason to believe, however, that the positions filled called largely for domestic and unskilled labor.

The California bureau of employment was established July 15, 1895. During the only year of its operation, applications for employment were received from 18,920 persons, of whom 14,251 were men and 4669 were women. Positions were secured for 5845, of whom 3314 were men and 2531 were women. The report of the commissioner of labor for 1895 and 1896 gives a great many details concerning the character of the applicants, their ages, whether able to read and write, their occupations, wages, etc. It is evidently impracticable, however, for us to attempt to reproduce these figures here. It should be stated that in order to enable the commissioner of labor to carry on this work a number of the leading manufacturers raised $1000 which they placed at his disposal for this purpose.

The Missouri bureau was not organized until October, 1897. The report of its operation during the year ending October 1, 1899, shows that it received during the year applications for positions from 4849 persons, of whom 3933 were males and 916 females. Applications for help on the part of employers were made for 2119 males and 1072 females. The number of positions secured was 2318, of which 1647 were for males and 671 for females. The returns show the occupations of all persons applying for work

and of those who secured positions. Among the males the most important classes of positions, as regards the success achieved in finding employment, were: salespeople and solicitors, 280 positions secured, farm help 145, office help 140, ordinary laborers 120, miners 101, cooks 91, engineers and firemen 76. Generally the bureau seems to have been of assistance to most of the classes of labor skilled as well as unskilled.

The Nebraska bureau was opened May 1, 1897. The commissioner of labor expresses himself as highly pleased with the results attained. During the period of twenty months from May 1, 1897, to December 31, 1898, 1040 applications for work were received, and 218 persons were found positions. In spite of the optimistic expression of the commissioner these figures would not seem to indicate any considerable success achieved.

The New York bureau, in pursuance of the act of 1896, was organized July 20 of that year. The following figures, summarizing its operations during the past three years, show that this bureau has become one of the most important in the United States:

		Male.	Female.	Total.
Applicants for employment	1897....	3,996	3,319	7,315
	1898....	2,487	2,613	5,100
	1899....	2,135	3,154	5,289
Applicants for help	1897....	418	1,634	2,052
	1898....	302	2,344	2,646
	1899....	99	2,944	3,043
Number secured situations	1897....	378	1,127	1,505
	1898....	234	1,786	2,020
	1899....	98	2,303	2,401

These figures show that the growth that has taken place in operations of the bureau is entirely in the placing of females; indeed, the superintendent reports that it is impossible to meet the demand for female help. In connec-

tion with these figures, it should be borne in mind that the bureau pursues the laudable policy of seeking to ascertain the qualifications of applicants for positions before they are recommended for employment. The superintendent thus, in his report for the quarter ending June 30, 1899, says: "Every effort has been made to ascertain the qualifications of applicants for the work sought. Letters asking for information from former employers as to the character and ability of the applicants have been very much to the credit of the people who seek to place their labor with us. As to the people for whom we have found employment, few complaints have been made, indeed, as to their ability and qualifications, and in but two cases was the complaint made by the employee that the wages were not paid as per agreement, and a letter from this office to the employers has been successful in righting any such wrongs."

The Maryland bureau was organized in 1896. Until September, 1900, its operations were conducted entirely by mail; and its work was of little importance. Since then, personal interviews are held with applicants, and the scope of the work has been much broadened. It is still, however, the least important of the seven bureaus. No report concerning its operations has been obtainable.

The two prominent features brought out by the preceding study are: 1) that private employment agencies do little for the solution of the problem of unemployment, but on the other hand are often so dishonestly conducted as to make them undesirable institutions; and 2) that the system of employment bureaus organized under the auspices of the state bureaus of labor may now be said to be definitely established in the United States. It is with these institutions that we are chiefly interested.

An examination of the work of the various bureaus which have been created, short as is their experience, convinces us that they are institutions which can be of great service to the workingman. To do this, however, it is necessary that they should be conducted with the greatest care and

tact. If their affairs are merely managed in a perfunctory or routine way, but little success can be anticipated. The permanent prosperity and development of the bureaus depend to a high degree on the zeal and ability of the persons in charge.

The first and most important consideration to be observed is that the work of these bureaus should not be confounded in any way with that of charity bureaus. The function of an employment bureau is not to help the incapable class which ordinarily seeks assistance from public charity, but to aid the honest workingman who is willing and able to work but can not find employment.

A second point is that though the bureau is conducted in the interest of the workingmen, chief attention must be directed to giving satisfaction to the employers to whom labor is furnished. It is evident that the success of an employment bureau is entirely dependent upon gaining the confidence of the employers of labor. To do this it is necessary that the bureau should use extreme caution and discrimination in recommending any applicant for employment, unless it has every reason to believe that the person is fitted by his personal character and skill to fill the position to the satisfaction of the employer. It should not be the aim of the bureau to find employment for every applicant. It is evident that a great many of these belong to the class of incapables, and to recommend them for employment would injure the reputation of the bureau. The principle should be firmly established that a selection of the most fit will always be made.

Another important point as regards the policy of the bureau is mentioned in the Ohio labor report for 1896. The commissioner there says:

> The employment offices should not be allowed to furnish any help in case of a labor dispute or strike of any kind; and I strongly recommend a ruling of the department on this subject. As it now stands there is no guide in this matter except the superintendent's own feelings and sense of right. Certainly the state of Ohio ought not to allow itself to be made a party in any sense in

such troubles. The state establishes these offices on the request and through the instrumentality of the labor unions, for the benefit mainly of the laboring people, and the offices should not be allowed to assist in an injury to them.

It will be remembered that Illinois in her law makes provision for such cases as this along the lines here laid down. It is only proper to state that in the United States no trouble has ever arisen in regard to this question. The danger nevertheless is one that is always present and should be guarded against as suggested.

The final point that it is desired to comment on is the necessity for joint action by the different bureaus in the same state such as is provided for in the Illinois law, and when there is but one bureau, the advisability of having branch offices in the different industrial centers. The lack of employment is often geographic. Labor of a certain kind may be superabundant in one section and lacking in another. An employment bureau to realize its full usefulness, therefore, should acquaint itself with labor conditions throughout the state, and thus be able to equalize the demand and offer of labor in the different sections of the country.

CHAPTER III.

THE INSPECTION OF FACTORIES AND WORKSHOPS.

Factory inspection in the United States has followed and grown in consequence of the enactment of laws regulating the condition of labor in factories and workshops. A little consideration will show that these two classes of legislation are entirely different in character. The province of the first is to specify conditions; of the second, to see that they are enforced. The name inspection is in some respects misleading. The real duty of factory inspectors is to enforce laws. Their powers of inspection are but incidental to this duty, and are exercised in order that the latter may be more efficiently performed. Yet, in the majority of the states having factory laws, the inspection of factories was first provided for, and the power of issuing orders directing factory operators to comply with the provisions of the laws, or at least the granting to the inspectors of adequate powers for enforcing them through judicial action, was only granted later, as the necessity for such powers became evident. In a word, the inspector of factories is primarily a police officer with special duties.

The history of the development of the official inspection of factories and workshops in the United States is like that of most social legislation. One state has led the way by the enactment of tentative measures, which it has afterwards developed as dictated by experience. Other states have profited by the example and have taken similar steps. The moral influence of the action of states on each other in the United States is great. A movement at first grows slowly, but as state after state adopts similar measures the pres-

sure on others to do likewise becomes stronger, and the movement tends to advance at a constantly increasing rate.

In the field of the inspection of factories we are now in the midst of such a movement. Factory inspection in the United States is of comparatively recent development. Though Massachusetts, the first state to take steps in this direction, enacted its initial law for the inspection of factories in 1877, it was not till six years later, or in 1883, that its example was followed by another state—New Jersey. Wisconsin in the same year provided for inspection through its bureau of labor. Ohio followed in the succeeding year, 1884. The movement, once fairly started, however, has spread with increasing rapidity. In 1886 New York provided for factory inspection. In 1887 Connecticut, Minnesota and Maine did likewise. They were followed by Pennsylvania, California and West Virginia in 1889, Missouri and Tennessee in 1891, Illinois and Michigan in 1893, Rhode Island in 1894, Delaware, Indiana, Nebraska and Washington in 1897 and Kansas in 1899. There are, therefore, at the present time, 21 states that have made some provision for factory inspection.

Twenty-one states out of 45 is, of course, a small proportion. As has been stated, however, it is not a completed movement that is being studied. We are rather in the position of one who in the midst of action stops to look back and see what has been accomplished in order better to determine his course for the future. In considering the progress that has been made, moreover, the comparison should be not with the total number of states, but rather with those in which the manufacturing industry is largely developed. It will thus be seen that of the New England and Middle states, all of which are manufacturing states, the smaller states alone—New Hampshire, Vermont and Maryland—have no inspection. In the middle western states, Ohio, Indiana, Illinois, Michigan, Missouri, Minnesota, Kansas, Nebraska and Wisconsin have inspection officers. The far western and the southern states, if we except the slight

measure of inspection in Tennessee, West Virginia, California and Washington, are absolutely unrepresented. In these states, however, the manufacturing interests are but little developed.

Finally, it is important to recognize that the growth of factory inspection lies not only in the creation of new departments in different states, but in the enlargement of the powers and the broadening of the scope of the work of inspection services after they have once been initiated. The principal development of factory inspection is found in the development of each particular bureau.

An appreciation of this development, therefore, can only be had by studying the development of factory inspection in each state in which action has been taken, after which the general features of the movement can be summarized.

MASSACHUSETTS.—The Commonwealth of Massachusetts holds the preeminent place among the states as regards social legislation. Just as it has been the first to create a bureau of labor statistics, thus setting an example that has been followed by two-thirds of the other states and several foreign governments, the first to establish a state board of arbitration and conciliation, the first to regulate the employment of women and children, etc., so it was the first to provide for the inspection of factories. It would be difficult to overestimate the influence that Massachusetts' labor legislation has exerted on the other states. The imprint of its legislation can be found—frequently verbatim—in the labor legislation of all the other states.

Massachusetts inaugurated its work of factory inspection by the passage, May 11, 1877, of the law entitled "An act relating to the inspection of factories and public buildings." This act is remarkable from the fact that it immediately made broad and efficient provisions for the regulation of labor in factories. It provided for the guarding of belting, shafting, gearing, etc.; the prohibition of the cleaning of machinery when in motion; the ventilation of factories; the protection of elevators, hoistways, etc.; the furnishing of

sufficient means of egress in case of fire, etc. Finally, it directed the governor to appoint one or more members of the state detective force to act as inspectors of factories, with the duties of enforcing not only this law, but other legislation relating to the employment of children and the regulation of the hours of labor in manufacturing establishments.

In 1879 this act was slightly amended by an act that abolished the state detective force and created in its stead a district police force, of which two or more members should be designated as inspectors of factories. In accordance with this act the governor appointed three inspectors, and the first report of their work was made in the year 1879. This year, therefore, really marks the beginning of factory inspection in the state.

It will not be practicable to mention all of the acts subsequently passed by which new regulations concerning the conditions of labor were enacted and the duties of the inspectors correspondingly increased. Some of the principal stages of the growth of inspection, can, however, be briefly mentioned.

In 1880 the duties of inspection were extended to mercantile as well as to manufacturing establishments, and the number of inspectors was increased to four.

In 1882 the number of members of the police force detailed for inspection work was increased to five.

In 1885 the district police force was increased to 20, of whom eight were reported in 1886 as detailed for inspection work.

In 1886 an important increase in the duties of the inspectors was made by the act of June 1, entitled "An act relative to reports of accidents in factories and manufacturing establishments." For the first time, therefore, provision was made for the reporting of accidents to laborers.

The year 1887 was prolific in labor legislation. One act was passed to secure proper sanitary provisions in factories and workshops; another to secure their proper ventilation; a third to secure proper meal hours; and another

to amend the law relating to the employment of women and children. The number of inspectors was increased from eight to ten.

By an act of March 8, 1888, a much needed reform was accomplished by dividing the district police force into two separate departments of detective work and inspection. According to this act the inspection department was made to consist of ten members, not including a chief who was also the chief of the detective department. By a supplemental act of the same year the force of inspectors was increased to 20.

March 10, 1890, the law relating to the reporting of accidents was amended so as to make it relate to all proprietors of mercantile and manufacturing establishments, instead of to corporations only, as had been the case under the old law.

In 1891 the force of inspectors was increased to 26, and it was provided that two must be women. An important act of this year was that of May 28, entitled "An act to prevent the manufacture and sale of clothing made in unhealthy places," by which it was attempted to bring under regulation the growing evil of the sweating system. This act was afterwards amended in 1892 and again in 1893.

In 1893 provision was made for the appointment of an additional district police officer, with the duty of inspecting all uninsured steam boilers.

In 1894 the important service was performed of making a codification of all laws relating to labor in factories, the enforcement of which fell within the duties of the inspection department of the district police force.

In 1895 a great increase was made in the inspection duties of the state by the enactment of a law providing for the appointment of four inspectors to examine uninsured steam boilers and to act as a board to determine the competency of engineers and firemen intrusted with the care of such boilers.

The inspection force at the present time consists of one

chief, 26 inspectors of factories (two of whom are women) and four inspectors of boilers.

NEW JERSEY.—New Jersey was the first state to follow the example of Massachusetts in making provision for the inspection of factories. Its service was inaugurated by the act of March 5, 1883, entitled "An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same." By this act the governor was directed to appoint an inspector of factories at a salary of $1200 a year, whose duties were to inspect all factories, workshops, etc., and to prosecute all violations of law before the proper judicial authorities. He was allowed expenses not to exceed $500 a year.

In 1884, April 17, a supplemental act was passed providing for the appointment by the inspector of two deputy inspectors, at a salary of $1000 a year each. The salary of the chief inspector was increased to $1800, and his allowance for contingent expenses to $1000. At the same time the original act was modified so as to enable infractions of the law to be more effectively prosecuted. The result of this act was to more than double the efficiency of factory inspection in the state.

April 7, 1885, there was passed what was known as a general factory act, which specified in considerable detail the precautions which must be taken in factories against accidents, and unsanitary conditions. The enforcement of this law was intrusted to the factory inspectors.

March 22, 1886, this act was slightly amended.

May 6, 1887, a new general factory act was passed in order to amend and elaborate the act of 1885.

In 1889 the number of deputy inspectors was increased from two to six, and the general factory act was amended, especially as regards the provision of fire escapes.

The most important subsequent acts relating to inspection were those of 1893 regulating the sweating system, the enforcement of which was intrusted to the factory inspectors,

and of 1894 imposing on the factory inspectors the duty of mine inspection.

At the present time the inspection force of the state consists of one chief and six deputy inspectors.

OHIO.—Ohio enacted its first law in regard to the inspection of factories April 4, 1884. This act called for the appointment of an "inspector of the sanitary conditions, comfort, and safety of shops and factories," at a salary of $1500, and traveling expenses not to exceed $600. The duties of this inspector were very limited indeed. Though he had the power of issuing orders, and non-compliance therewith was deemed a misdemeanor, no provisions were made whereby these infractions could be prosecuted.

In 1885 provision was made by the law for the appointment of three district inspectors.

In 1888 the reporting of all accidents to laborers was made obligatory upon manufacturers.

In 1892 a notable increase was made in the inspection force, by a law providing for the appointment of eight additional district inspectors.

The general factory laws were amended by the acts of March 17, 1892, and April 25, 1893, the purposes of which were to regulate in greater detail the conditions of labor, insure that proper precautions were taken against accidents, etc.

The year 1898, however, was especially prolific in legislation relating to factory labor. No less than eight laws of this character were passed. These laws provided for the regulation of bakeries, for which purpose two additional district inspectors were to be appointed, made obligatory the furnishing of seats and dressing rooms for female employees, ordered that blowers and exhaust fans should be provided to remove dust and other injurious substances, and made other regulations concerning the employment of children, the reporting of accidents, etc.

At the present time Ohio has one chief and 13 district inspectors of factories.

NEW YORK.—New York offers an excellent example of the development of factory inspection in a state, after the initial step had once been taken. The first act relating to factory inspection was passed May 18, 1886, and was entitled "An act to regulate the employment of women and children in manufacturing establishments, and to provide for the appointment of inspectors to enforce the same." By this act provision was made for the apointment of a factory inspector at a salary of $2000 and an assistant inspector at $1500 with an allotment of $2500 for contingent expenses.

The following year the legislature greatly extended the inspection service. By an act of May 25, 1887, it authorized the appointment of eight deputy inspectors at a salary of $1000 each, and the powers and duties of the inspectors were so increased as to give them a supervision over all of the most important features of factory life. June 15, 1889, the law was again slightly amended.

By an act of May 21, 1890, however, the law was materially changed and made more comprehensive. The most important of the new provisions were those providing for the appointment of eight women as additional factory inspectors, with the same salary as existing deputies, and increasing the allowance for contingent expenses to $3500, exclusive of traveling expenses.

May 18, 1892, an important extension of the province of factory inspection was made by the act of that date, which attempted to bring under regulation the sweating system. Advantage was also taken of the opportunity to collect in a single act most if not all of the laws relating to factories and their inspection. In a way there was created a factory code. The force of inspectors was maintained at the same number, viz., one inspector, one assistant inspector and 16 deputies. Salaries, however, were considerably increased, that of the chief inspector being raised to $3000, that of the assistant to $2500, and that of the deputies to $1200 each. Provision was also made for a suboffice in New York city.

In 1893 the law was still further amended by the act of

March 22, and made more stringent in its provisions. From the standpoint of inspection the greatest change was that whereby provision was made for eight additional deputy inspectors, of whom two should be women.

The final step in the evolution of a regular labor code was taken in 1897 when by the law of May 13 all the labor laws, whether relating to factory inspection, arbitration, employment bureaus or other matters, were consolidated in a single law. More or less important changes were at the same time made in a number of laws. The most important with which we are here concerned provided that the number of deputy inspectors should be increased to 36, of whom ten might be women. Six of them should be especially detailed to inspect bakeries and enforce provisions regarding them, and one to act as a mine inspector.

CONNECTICUT.—The state of Connecticut created its service for the inspection of factories in 1887. The act provided for the appointment of an inspector to visit factories and see that proper precautions were taken against accidents, and proper sanitary regulations observed. This law has remained practically unchanged till the present time, and provides for a system of factory inspection which is far from efficient. Though Connecticut has on its statute books laws relating to the employment of women and children, the provision of proper fire escapes, etc., their enforcement does not seem to be intrusted to the factory inspector. There is also no provision calling for the reporting of accidents in factories. The orders of the inspector consist almost entirely of directions concerning the guarding of machinery or the observance of proper sanitary measures.

The only extension of this law that has been made in the succeeding decade was by the law of May 25, 1897, which provided for the rigid inspection of all bakeries by the factory inspector. It is made the duty of this officer to see that all bakeries are "properly drained, plumbed, ventilated and kept in a clean and sanitary condition and constructed with proper regard to the health of the operatives and the

production of wholesome food" and also to enforce certain other regulations concerning separate sleeping rooms for operatives, dressing rooms, etc.

There is at the present time but one inspector, though an appropriation is made for the appointment of special agents as assistant inspectors. Though the law providing for factory inspection was passed in 1887, the first report seems to have been made for the year 1889.

PENNSYLVANIA.—Though Pennsylvania is one of the most important manufacturing states of the Union, the creation of a service of factory inspection is of comparatively recent date. The first step in this direction was taken by the act of May 20, 1889, entitled "An act to regulate the employment and provide for the safety of women and children in mercantile and manufacturing establishments, and to provide for the appointment of inspectors to enforce the same and other acts providing for the safety or regulating the employment of said persons."

Though its action was considerably delayed, Pennsylvania by this act immediately created an efficient inspection service. The act provided for the appointment of an inspector of factories at a salary of $1500 a year, and six deputy inspectors, three of whom should be women, at a salary of $1000 a year. The inspectors were given broad powers to order necessary changes and to enforce them through prosecutions before the proper judicial officers. Although the bureau of industrial statistics exercised no supervision over the factory inspector, the latter was required to report to the chief of that bureau, and his early reports, therefore, are included in the reports of that office.

On June 3, 1893, a new act was passed, bearing the same title as the act of 1889 and replacing the latter, which practically doubled the efficiency of the inspection service. The number of deputy inspectors was increased from five to 12, five of whom should be women, and their salaries were raised to $1200. The salary of the chief inspector was at the same time raised from $1500 to $3000. The inspector was also

required to report directly to the governor. His reports, commencing with that for 1893, have therefore appeared as separate volumes.

In 1895 the duties of the inspectors of factories were still further increased by the act of April 11, which was directed to the regulation of the sweating system in the clothing and tobacco industries. In order to provide for the increased work that would thus have to be done, the number of deputy inspectors was increased from 12 to 20.

April 29, 1897, a law was passed amending in important respects the existing law regarding the employment of women and children. The provisions of the existing law were extended so as to embrace mercantile establishments, laundries, printing offices, etc.; other sections required the provision of seats for female employees, and the use of mechanical belt and gear shifters, and regulated the lighting and heating of factories and the inspection of boilers.

By two other acts of the same year, passed May 5 and May 27, respectively, the laws regarding the sweating system and the inspection of bakeries were made more rigid and effective.

Finally, by the law first mentioned, the chief inspector was provided with a chief clerk, an assistant clerk and a messenger. The inspection department at the present time, in addition to this office force, consists of 21 persons, a chief and 20 deputy inspectors.

ILLINOIS.—The state of Illinois created an inspection service by the act of June 17, 1893. The immediate cause leading to its establishment was the desire to abolish the manufacture of clothing in tenements, or the so-called sweating system. The act, however, not only contained provisions to this effect, but regulated the employment of women and children generally, and authorized the appointment of an inspector at a salary of $1500 a year, an assistant inspector at $1000, and ten deputies, five of whom must be women, at $750 each. Power was given to them to enforce their orders through judicial prosecution.

A comprehensive inspection service, however, was by no means created, as the duties of the inspectors were strictly limited to enforcing the provisions of the act by which they were authorized, and therefore embraced little but the regulation of the sweating system and the employment of women and children. In 1897 a number of laws were enacted materially extending the system. The law of May 27 made obligatory the provision of fire escapes as required by the factory inspectors. The law of June 9 extended the law regulating the employment of children so as to include every gainful occupation, and it was broadly stated that no child under 14 years of age should be employed for wages in mercantile establishments, laundries, offices, or any such place; and the law of June 11 made detailed provisions concerning the use of blowers and fans to remove dirt and other substances injurious to the health of employees.

RHODE ISLAND.—The state of Rhode Island provided for the inspection of factories by the act of April 26, 1894. This act created at once a very efficient system of factory inspection. It not only provided for the appointment of two inspectors, one of whom must be a woman; but regulated the employment of children; directed that all elevators or hoistway entrances should be guarded; that no person under 16 years of age should clean machinery while in motion; that machinery should be guarded; that separate toilet facilities should be provided for female and male employees; that accidents should be promptly reported; and, generally, that the inspector should issue all needful orders to secure the proper heating, lighting, ventilation or sanitary arrangements of factories and workshops.

Power was given to the inspectors, moreover, to enforce their orders by prosecuting delinquents before the proper courts or magistrates.

MAINE.—An inspection service was first organized in Maine by the act of March 17, 1887, entitled "An act to regulate the hours of labor and the employment of women and children in manufacturing and mechanical establish-

ments." This act provided for the appointment of a deputy commissioner of labor at a salary of $1000 per annum, and specified his duties to be "to inquire into any violations of this act, and also to assist in the collection of statistics and other information which may be required for the use of the bureau of industrial and labor statistics." The appointment of assistant deputies, if needed, at a salary of $2 a day was also authorized.

It will be seen that no really effective system of inspection was provided by this act. The powers of the deputy were strictly limited to those of inspection and report. The means of enforcing his orders, without which inspection has little reason, were absolutely wanting. In 1893 the title of "deputy commissioner of labor" was changed to that of "inspector of factories, workshops, mines and quarries," a change chiefly significant as showing that the true nature of the office was becoming better understood.

By an act of the legislature, March 29, of the same year, it was made the duty of the inspector to examine as to the extent to which the law in regard to doors swinging outward was complied with, and as to the sanitary condition of factories, workshops, mines and quarries, and to report annually to the governor. It was under the provisions of this law that the first report of the factory inspector was issued in 1893. These reports are incorporated in the reports of the bureau of industrial and labor statistics. Though the law states that it is the duty of the inspector to enforce certain laws, there is no way specified by which this shall be done, and the reports of the inspector do not indicate that he ever ordered any changes to be made, or attempted any prosecutions in order to enforce labor laws.

INDIANA.—No provision for the inspection of factories in Indiana was made till the passage of the law of March 2, 1897. This law was a very comprehensive enactment. It provided for the more efficient regulation of the employment of women and children, contained provisions for the regulation of the sweating system, and finally created the offices

of inspector and assistant inspector of factories. The duties of these officers, which were to enforce the labor laws of the state, comprehended the enforcement of laws relating to the employment of women and children, the guarding of machinery, the lime washing of factories, the provision of fire escapes, the reporting of accidents, and numerous other obligations imposed on factory owners.

Though one of the latest states to take action, Indiana has by this law provided one of the most effective factory codes of any of the states.

MICHIGAN.—The first bill to provide for factory inspection in Michigan was introduced in the state legislature in 1891 but failed to pass. In 1893 another bill was introduced, passed and went into effect August 25, 1893. The bill as introduced, contemplated a separate bureau. As passed, it provided that factory inspection should be a part of the work of the bureau of labor and industrial statistics. The title of this act was "An act to regulate the employment of women and children in manufacturing establishments in the state, to provide for the inspection and regulation of such manufacturing establishments, and to provide for the enforcement of such regulation and inspection."

This act provided for the annual inspection of manufacturing establishments by the commissioner or deputy commissioner of labor, or by persons acting under their authority, for the payment of which $4000 should be annually appropriated. In addition to creating an inspection service it also embraces a great many provisions of a general factory act. It thus makes it the duty of the inspectors to see that proper safeguards are taken against accidents; that factories are provided with fire escapes; that suitable toilet facilities are provided for male and female employees in different rooms; that exhaust fans are provided where necessary; and most important of all, to enforce their orders by the prosecution of delinquents in the courts of competent jurisdiction.

Michigan thus provided for an efficient system of factory

inspection as far as the powers and duties of the inspectors were concerned. The appropriation of only $4000 a year for this work was, however, far from sufficient to carry out the work, and the mistake was made of making inspection a branch of the bureau of labor instead of an independent service.

For the first year four inspectors were appointed, and for the second year five inspectors. In 1895 the act was amended by raising the appropriation for inspection from $4000 to $8000 a year. No limit was placed on the number of deputies that might be appointed save by the amount of the appropriation.

Further amendments were made in 1897 by the laws of April 24, May 17 and June 2. By these acts the annual appropriation for factory inspection was increased to $12,000 and it was ordered that all manufacturing establishments should be inspected at least once in each year; the law relating to child labor was amended; the minimum age at which children could be employed being placed at 14 years; and the provision of safety appliances for all elevators was made obligatory.

MISSOURI.—By act of May 19, 1879, Missouri created a "bureau of labor statistics and inspection of factories, mines, and workshops." In spite of its title, however, this bureau by no means constituted a bureau of inspection. An examination of the reports of the bureau shows that its efforts have been almost wholly directed to securing information, and not to inspection with the view of enforcing particular laws.

On April 20, 1891, an act was passed which made a considerable number of technical provisions concerning the provision of safeguards against machinery; the guarding of elevator shafts; the reporting of accidents; the provision of fire escapes, etc. This act, however, was made to apply only to cities and towns with a population of 5000 or over, on which it was made obligatory to appoint an inspector with deputies to inspect all factories employing ten or more

persons and to see that the provisions of the act were complied with. These inspectors were directed to report semi-annually to the commissioner of labor.

It would be difficult to conceive of a system less likely to be productive of valuable results than this localization of the work of inspection and distribution of authority. In fact, the commissioner of labor has reported during the succeeding years that the law has been ignored by a great many cities of the state. As yet, therefore, Missouri can not be said to possess any very effective system of factory inspection.

WISCONSIN.—In Wisconsin the law of April 12, 1883, providing for the creation of a labor bureau, made it a part of the duties of the commissioner of labor to inspect all factories and to see that the laws regarding fire escapes, the protection of employees against accidents, the employment of women and children, etc., were complied with, and to enforce the same by prosecutions before the courts. It was manifestly beyond the power of the commissioner to do more than slightly fulfil these duties.

April 4, 1885, the labor bureau was reorganized, and among other changes provision was made for the appointment of a special inspector of factories as one of the officers of the bureau. At the same time the laws relating to the conduct of labor in factories were considerably elaborated and made more stringent. This law thus provided for a fairly complete system of factory inspection, though but a single inspector was provided for, and he was made an officer of the labor bureau instead of an independent official.

The first report of inspection was made for the years 1885 and 1886, and is included in the biennial report of the commissioner of labor. Subsequent reports have appeared in the same way.

In 1887 the inspection laws were enlarged; authority was granted to appoint two inspectors instead of one, and the great defect of prior legislation was remedied by attaching penalties for the violation of the factory acts and increasing

the powers of the inspectors to enforce their orders and prosecute offenders.

Since this date other acts slightly amending the factory acts have been passed, but the inspection service remains as it was then.

MINNESOTA.—The act of 1887 creating a bureau of labor statistics in Minnesota specifies as a part of the duties of the commissioner that he shall cause to be inspected the factories and workshops of the state, "to see that all laws regulating the employment of children and women and all laws established for the protection of the health and lives of operatives in workshops, factories, and all other places where labor is employed are enforced." In case his orders are not complied with, he is directed to make formal complaint to the county attorney, which officer must then proceed to the prosecution of the offender.

The first material change in this law was made in 1893. This act, while leaving inspection a part of the duties of the labor bureau provided for the appointment of a special inspector of factories and two deputy inspectors. The duties of these officers broadly stated are "to cause to be enforced all laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives, and limbs of operatives in workshops and factories, on railroads and in other places, and all laws enacted for the protection of the working classes."

The reports of these inspectors are contained in the biennial reports of the commissioner of labor, the first inspection report being that for the years 1893 and 1894.

DELAWARE.—The state of Delaware inaugurated a factory inspection service by a law enacted May 10, 1897. This law had special reference to the regulation of the employment of women, and referred only to the incorporated towns and cities of the county of New Castle, or the county in which the only two important cities of the state, Wilmington and Newark, are situated. This law requires that wherever ten or more women are employed there must be provided a

separate room in which the women can dress, wash and lunch, separate water closets for the two sexes, and that seats for females must be furnished. Finally, provision is made for the appointment of a female inspector by the chief justice of the state to enforce the provisions of the act. She is required to report annually to the chief justice. Her salary is but $300.

NEBRASKA.—The law of March 31, 1887, creating a bureau of labor in Nebraska, provided that it should be a part of the duty of the commissioner of that bureau to visit industrial establishments and see that the laws in respect to child labor, hours of labor for women and children, fire escapes, and similar enactments were enforced. As no provision for deputy inspectors was made, no effort to carry out a system of the inspection of factories was ever attempted.

WASHINGTON.—The legislation of the state of Washington is similar to that of Nebraska. By the law of March 3, 1897, provision was made for the appointment of a commissioner and an assistant commissioner of labor to act as "factory, mill and railroad inspector." These officers were given the duties, among others, of enforcing the laws relating to the employment of women and children and having for their purpose the protection of the lives and health of employees. It is doubtful if any effective system of factory inspection can be created under this law.

TENNESSEE.—Such a slight measure of factory inspection has been provided for in Tennessee that the barest mention will be sufficient. The act of March 21, 1891, creating the bureau of labor and mining statistics, also makes it the duty of the commissioner to inspect factories and workshops. As the power of the commissioner is limited to investigation, and his time is so largely taken up with his other duties, practically nothing is accomplished in the way of real factory inspection work.

CALIFORNIA.—In California provision for a measure of factory inspection was made by a law passed in 1889. This

law made it obligatory on factory owners to keep their establishments in a clean and hygienic condition, to guard against the formation of dust, to provide seats for females where practicable, etc. Another law passed in the same year regulated the employment of children. The enforcement of both of these laws was made a part of the duties of the commissioner of labor, and to that extent this officer serves as a factory inspector, though there seems to be no express provision of law requiring him to visit industrial establishments.

WEST VIRGINIA.—The act of 1889 creating a state bureau of labor in West Virginia provided that the commissioner of labor should "once at least in each year visit and inspect the principal factories and workshops of the state, and shall on complaint or request of any three or more reputable citizens, visit and inspect any place where labor is employed, and make true report of the result of his inspection." He is then directed to report any infraction of the law that he may discover to the state's attorney for prosecution. As this law, however, contains absolutely no provisions regulating labor, and there are no other laws of this character in the state, it would seem that the commissioner has, properly speaking, no duties under this law, and the state consequently no effective system of factory inspection.

KANSAS.—In 1899 Kansas reorganized her bureau of labor. The chief of this bureau is styled both commissioner of labor and state inspector of factories, and, as these two designations indicate, has the twofold duty of collecting statistics of labor and inspecting factories. He is directed to enforce all the labor laws of the state.

In the foregoing history of the organization of factory inspection in the individual states, special attention has been given to the kind of administrative organization that has in each case been selected. This is one of the most important considerations involved in the question of factory inspection, for on it depends to a large extent the effectiveness of the system that has been adopted. Eleven of these states

—Maine, Michigan, Missouri, Minnesota, Wisconsin, Nebraska, Washington, California, West Virginia, Kansas and Tennessee—have connected the duty of inspection with the bureau of labor statistics. The adoption of this policy is in every way regrettable. An inspection service, to accomplish the best results, should be absolutely independent of all other work.

The function of the factory inspector is to see that certain laws relating to the conduct of labor in factories are enforced, and to do this he should possess a certain technical knowledge, such as that relating to machinery, hygiene, ventilation, construction of buildings, etc. The duties of the commissioner of labor are to collect facts and present them properly. The greatest objection to joining the two offices, however, is not that it is difficult to find a man with the mental equipment for them both, but that the two classes of duties are largely antagonistic. The labor commissioner has to depend on the good will of the employers for his information, while the inspector has frequently to oppose the latter's wishes.

The advisability of an independent inspection service can not be shown better than by reproducing the remarks of the chief factory inspector of New York concerning the proposition to combine the three services of the bureau of labor statistics, the board of arbitration and office of factory inspection.

> Such a plan, if carried out, would be to the detriment of the work of factory inspection. The duties of a factory inspector are of a police nature. He must see that certain provisions and restrictions of law are obeyed; that children of certain ages must not be employed; that guards must be attached to dangerous machines; that women and children shall not work during certain hours; that unsafe buildings must be made secure, and a score of other matters, concerning all of which he must exercise the compulsory arbitrary powers of the state. In case of refusal to comply with his orders, it devolves upon him to swear out warrants for the arrest of the delinquent persons and prosecute them to the full extent of the law. These duties, which are only briefly outlined, are not compatible with the work of gathering statistics and arbitrating differences between employers and employed,

especially as the work of factory inspection may oftentimes bring him into contact, if not into conflict, with the very persons to whom appeals must be made for reliable statistics or on whose sense of fairness must rest the conciliatory policy of arbitrating wage or other difficulties in labor controversies . . . It will thus be seen that the duties of the commissioners of statistics and arbitration and those of the factory inspector are in no way harmonious and are in many respects antagonistic and dissimilar.

Experience has more than demonstrated the correctness of this reasoning. In those states in which factory inspection has been joined to the bureau of labor relatively slight results have been accomplished, and one might almost say that a real system of factory inspection exists only in the 10 states of Massachusetts, New Jersey, Ohio, New York, Illinois, Connecticut, Pennsylvania, Indiana, Michigan and Rhode Island, which have independent inspection services.

We now turn to a consideration of the character of the work that has been assigned to factory inspectors; in other words, to their duties and powers. In the historical sketch of the development of factory inspection no attempt was made to state all of the duties that were placed on factory inspectors in each state. Only such were specified as tended to show the growth of the service in each state. In the following table the attempt has been made, after a careful examination of the laws relating to factory inspection, or laws the enforcement of which is intrusted to state officials, to present in a concise form the duties of inspectors in each of the twenty states. The adoption of this method of presentation makes it possible to compare at a glance the extent of the services in the different states. This table, of course, only indicates the extent of the duties of inspection, but throws no light on the efficiency with which they are performed. Thus a state that has enumerated but a few duties may provide for an adequate force of inspectors and really accomplish more valuable results than another state with an elaborate inspection law, but inadequate provisions for its enforcement.

DUTIES OF FACTORY INSPECTORS IN THE UNITED STATES.

Duty of inspectors to enforce laws concerning—	Maine.	Massachusetts.	Rhode Island.	Connecticut.	New York.	New Jersey.	Pennsylvania.	Delaware.	Ohio.	Indiana.	Illinois.	Michigan.	Wisconsin.	Minnesota.	Missouri.	Nebraska.	Tennessee.	Washington.	Kansas.	California.
Employment of children	—	—	—		—	—	—		—	—	—	—	—	—		—				—
Employment of women	—	—			—	—	—	—		—	—	—	—	—						
Payment of wages	—	—			—	—	—		—										—	
Lunch hour—women and children		—			—		—			—		—								
Seats for females		—	—	—	—	—	—	—	—					—	—	—		—		—
Separate toilet facilities for the two sexes		—	—					—		—				—	—					—
Guarding machinery		—	—	—	—	—	—		—	—		—	—		—				—	
Cleaning machinery in motion by children and women	—	—	—	—	—	—	—			—		—			—					
Mechanical belt and gearing shifters					—		—			—		—		—						
Communication with engineer's room		—											—							
Guarding vats containing molten metal or hot liquids					—	—	—		—	—									—	
Railings on stairways					—				—	—		—								
Regulation of dangerous or injurious occupations		—				—														
Use of explosive or inflammable material		—				—														
Exhaust fans, blowers, etc., for removal of dust, &c.		—		—	—	—			—	—	—	—		—						—
Guarding elevator and hoistway openings		—	—	—	—	—	—		—	—		—		—	—					
Fire escapes		—			—	—	—		—	—	—	—	—	—	—					
Doors to swing outward, to be unlocked		—			—	—				—										
Sanitary condition	—	—	—	—		—	—		—					—	—					—
Ventilation		—	—		—	—	—		—	—					—				—	—
Lighting						—	—		—										—	
Heating						—	—		—				—						—	
Overcrowding					—	—				—					—					
Lime washing or paint'g walls					—	—				—					—					
Reporting accidents		—	—		—	—	—		—	—				—	—					
Regulat'n of sweating system		—			—	—	—			—	—									
Inspection of mercantile establishments					—		—				—									
Inspection of mines					—	—									—		—			
Inspection of steam boilers		—					—													
Inspection of school houses, theaters, etc.		—							—											
Regulation of bakeries				—	—	—	—		—				—		—					
Approval of plans for factories		—																		

This table does not pretend to show absolutely all the duties of factory inspectors. Frequently the laws are so

generally worded that it is largely left to the discretion of the inspectors to determine whether the conditions under which factory employees labor are sanitary and proper precautions are taken against danger. It does show, however, the extent to which the states have specified certain regulations that must be observed, and consequently the features with which it is believed factory inspection should be concerned. The states having provisions concerning the subjects shown in the first column are indicated by a dash. It is believed that this table gives a very approximate idea of the scope of the duties of factory inspectors in the United States.

An examination of this table shows in the clearest way the character of factory inspection as practised in the United States. It is at once evident how largely legislation in one state affects legislation in the others. A state enacting new laws frequently but copies the legislation of the other states.

As regards the duties of inspectors, it will be seen that they may be divided into a number of quite distinct classes. First, there is the enforcement of certain general labor laws relating to the employment of women and children, the provision of seats for females, and of separate toilet facilities for the two sexes, the payment of wages in cash and at intervals of certain frequency, and the allowance of an adequate length of time to women and children at noon for their lunch.

A second class of duties is that relating to the provision of suitable means of egress in case of fire. This finds expression in the requirement that fire escapes shall be placed on factories, and that doors shall be so hung as to open outward and shall be kept unlocked during working hours.

A third and most important class is that relating to the obligation of factory operators to take all needful precautions to protect workingmen against accidents. This is done by requiring that machinery and vats containing molten metal or hot liquids must be properly guarded; that machinery in motion must not be cleaned by women or

minors; that mechanical belt and gear shifters be provided; that a speaking tube or some other means of communication be provided between any room where machinery is used and the engineer's room; that elevators be provided with safety appliances and that they and all hoistway openings be properly railed off; that sides or railings be placed on all stairways; that there be exhaust fans to prevent dust or other deleterious products from being inhaled by the operatives; that no use be made of explosive or highly inflammable compounds except under special precautions; and, finally, that exceptional precautions, the determination of which lies largely in the discretion of the inspectors, be taken in the case of all dangerous or injurious occupations.

Fourth, there are the general provisions relating to the sanitary condition, ventilation, lighting, heating and overcrowding of factories. Under sanitation it is usual to specify that water closets, privies and drains shall be tight and kept in good condition. A few states, it will be seen, require walls to be lime washed or painted once a year.

Fifth, there is the duty of inspectors to keep a record of all accidents to employees of factories, and to report annually concerning them. This information is obtained through the obligation placed by law on all employers of labor to report all accidents to the inspection department. There are few who are interested in, or concerned with, the inspection of factories who fail to recognize the utility of obtaining as nearly complete data as possible concerning the occurrence of accidents to laborers, their cause, character, etc. Such information is desirable, first of all, in order to determine which are the industries and the particular manipulations or machines that are responsible for accidents. It is thus possible to determine what steps should be taken for lessening their frequency. Secondly, it is necessary in order that the public and law-makers may be made to realize the importance of requiring the provision of safety appliances and of the rigid enforcement of precautionary regulations.

The collection of this information, if it is to be made, naturally falls within the province of the factory inspectors. It is much to be regretted, therefore, that these officers for the most part either have not been given the power to obtain this information or have not organized their inquiries on a sufficiently broad basis. Though nine states, as will be seen by the table, provide in their factory laws that accidents shall be reported by manufacturers, in none of them is there any pretense that anything like complete returns of accidents are obtained. Even in the cases of the accidents that are reported, the description of their causes, results and character is far from sufficiently full. The laws directing the reporting of accidents usually read that the employers of labor shall report to the chief factory inspector all accidents causing the death of an employee or his incapacity to work for a certain duration of time. It is also to be regretted that no uniformity exists in such data in the different states as regards the classification of accidents either by causes, extent of injury, or party at fault. The very important classification of accidents into those causing death, permanent total, permanent partial, and temporary disability is in no case made.

Any attempt to make a study of accidents to labor in factories in the United States is, therefore, out of the question. The only point for congratulation is that the necessity for reporting accidents has been recognized by a number of states, and that thus a beginning has been made that may receive a fuller development in the future.

Within recent years the office of inspector of factories has become of increased importance through the development of the so-called "sweating system," and the attempt to control or abolish it through legislative enactments. Wherever laws have been enacted for this purpose their enforcement through the factory inspectors of the state has constituted an essential feature of the law. In these states, therefore, the regulation of this system of work has become one of the most important duties of the factory inspectors.

The above classes constitute the regular and ordinary duties of factory inspectors. There has been a tendency, however, to impose on these officers certain additional duties which can be and frequently are intrusted to other officers; such, for instance, are the inspection of mines, the inspection of steam boilers, the inspection of schoolhouses, theaters and other public buildings.

Finally, in recent years, a number of states have passed special regulations concerning the conduct of the bread-making business. These provisions are that such work shall not be carried on in cellars; that workrooms shall not be used as sleeping rooms; that privies and water closets shall not be maintained within a certain distance of the bakeries, etc.

Of the states, Massachusetts not only possesses the most advanced and detailed code of labor laws, but has made the most efficient provision for their enforcement. No better method can, therefore, be adopted for showing the character of factory inspection in the United States, where it is best developed, than to reproduce the summary of the duties of the inspectors of this state, as recapitulated by the chief factory inspector in his report for the year 1895. There is all the more excuse for reproducing the duties of the inspectors of this state, since it is to its laws that all of the states turn when contemplating similar legislation. On page five of this report the chief inspector says:

> There are now 26 officers exclusively employed in the inspection department. Some idea of the extent and nature of the duties of the inspectors may be had by reference to the statutes defining them; but not even the detailed reports of the several inspectors made to this office can give, to those not familiar with the matters discussed, an adequate idea of the vast amount of labor performed by this department. Its duties embrace the enforcement of the laws relating to the hours of labor; the protection of operatives from unguarded machinery; the employment of women and minors; the schooling of children employed in factories and workshops; the preservation of the health of females employed in mechanical manufacturing, and mercantile establishments; reports of accidents in manufactories; safety appliances for elevators; provisions for escape from hotels and other buildings in case of fire; proper ventilation

for factories and workshops, and uniform meal hours for children, young persons, and women employed therein; the suppression of nuisances from drains, and provisions for water closets, etc., for the use of each sex employed in factories and workshops, and various other sanitary regulations; the inspection of buildings alleged to be unsafe or dangerous to life or limb, in case of fire or otherwise; the submission to the inspector for approval of a copy of plans and specifications of any building designed for certain public purposes, as factory, workshop, mercantile structure, hotels, apartment houses, lodging or tenement houses, above a certain height; communication between the engineer's room and each room where machinery is run by steam, in every manufacturing establishment; proper safeguards at hatchways, elevator openings, and well holes in public buildings, factories, and mercantile establishments; forbidding the use of portable seats in isles or passageways in public halls, theaters, schoolhouses, churches, and public buildings during any service held therein; requiring fire-resisting curtains, approved by inspectors, for use in all theaters, etc.; competent watchmen, lights in hotels, gongs or other proper alarms, and notices posted describing means of escape from fire in boarding and lodging houses above a certain size, family and public hotels; fire escapes on tenement or lodging houses three or more stories in height; prohibiting during working hours the locking of any inside or outside doors of any building where operatives are employed; public buildings and schools in respect to cleanliness, suitable ventilation, and sanitary conveniences; the weekly payment of wages by certain corporations to each of their employees; the inspection of uninsured steam boilers; the examination as to the competency of engineers and firemen in charge thereof; the enforcement of the act relating to the manufacture and sale of clothing made in unhealthy places; the enforcement of the act relating to the heating of street-railway cars, and the enforcement of the act requiring specifications to be furnished to persons employed in cotton, worsted, and woolen factories.

It is not necessary at this date, even were this the place, to attempt to show the necessity for, or all the advantages resulting from factory inspection. Some of the most important of these latter, however, will bear mention. If it is desirable to have factory and labor laws, it is certainly desirable to have them enforced, and experience has demonstrated that without inspection many labor laws will remain dead letters. But apart from performing the duties for which they are created, they indirectly perform many other services. Many of the inspectors of factories report that they have been of considerable use in spreading information

concerning the best mechanical devices for guarding against accidents. In the performance of their duties they become acquainted with the best contrivances, and are able to suggest their employment in factories inefficiently equipped. The directors of these latter are often only too thankful to have them called to their attention. The reports of the inspectors, moreover, are becoming more and more valuable as repositories of information concerning labor conditions of a character that can not be obtained elsewhere. They contain descriptions, accompanied by illustrations and plans of the best devices for guarding machinery, of protecting elevators and shaft openings, of carrying away dust and odors by the use of exhaust fans, of the best forms of fire escapes, of plans for ventilating and heating factories, schoolhouses and other buildings, etc. The practical contact of inspectors with labor conditions enables them to determine with special accuracy the results of labor legislation, and to recommend with authority its amendment or elaboration.

In concluding this account of the inspection of factories and workshops in the United States, some mention should be made of the international association of factory inspectors. This organization though created as the result of private efforts, yet may be said to have an official standing. It was created and held its first annual convention in 1887. The object of the association is to bring together annually all officers of the government in the United States and Canada whose duties relate to the inspection of factories, workshops and public buildings. It is scarcely necessary to comment on the utility of such a gathering. The majority of the inspectors are new and inexperienced in their duties. They can thus avail themselves of the experience of the older inspectors, especially can the very desirable object of rendering more uniform the legislation and practices of the states be advanced. The report of the proceedings and the papers read at the conventions are not only separately published, but are frequently included as appendices to the reports of individual states.

CHAPTER IV.

REGULATION OF THE SWEATING SYSTEM.

Though the regulation of the sweating system, so far as it is attempted by any of the states, usually falls upon the factory inspection service, and should, therefore, logically be considered in connection with that subject, yet the problem is such a special one, and the legislation in respect to it is so distinct from the body of general factory laws, that it is deemed best to consider it under a separate caption.

At the present time eight states, Massachusetts, Ohio, New Jersey, Illinois, Pennsylvania, New York, Indiana and Maryland have enacted special legislation in relation to the sweating system. These states include the great cities of New York, Brooklyn, Jersey City, Boston, Philadelphia, Baltimore, Chicago, Indianapolis and Cincinnati, or practically all of the chief centers of the sweating system.

Massachusetts, always the pioneer in social legislation, was the first state to awake to the necessity of taking action for the lessening of the evils of the sweating system. In 1890 the governor ordered an investigation of the sweating system in the state. The result of this inquiry was to show such a condition of affairs that immediately on its report a law bearing date May 28, 1891, was passed, having for its purpose the regulation of the system. This act provided that any place in which clothing was manufactured by other than the immediate members of a family should be considered a factory and therefore subject to all the rules and regulations embodied in the factory inspection acts. The proprietor of every such shop was required to notify the inspection department that he was carrying on such work, and two extra inspectors were provided for with the special

duty of inspecting these places. It was further provided that all clothing made under these conditions should bear a label showing the name of the state and city in which it was made. This provision was directed against the tenement-made goods inported into the state from New York.

The enforcement of this law was productive of good results, but experience showed that it could be improved in a number of respects. The law was therefore amended in 1892, 1894 and again in 1898. The chief change introduced was that whereby work performed by single families was brought under legal regulation. As the law as it now stands is typical of the legislation in other states its provisions are reproduced verbatim:

> No room in any tenement or dwelling house shall be used for the purpose of making, altering, repairing or finishing therein any coats, vests, trousers or wearing apparel of any description whatsoever, except by the members of the family dwelling therein, and any family desiring to do the work of making, altering, repairing or finishing any coats, vests, trousers or wearing apparel of any description whatsoever in any room or apartment in any tenement or dwelling house shall first procure a license, approved by the chief of the district police, to do such work as aforesaid. A license may be applied for by and issued to any one member of any family to do such work. No person. partnership or corporation, shall hire, employ, or contract with any member of a family not holding a license therefor, to make, alter, repair or finish any garments or articles of wearing apparel as aforesaid, in any room or apartment in any tenement or dwelling house as aforesaid. Every room or apartment in which any garments or articles of wearing apparel are made, altered, repaired or finished, shall be kept in a cleanly condition and shall be subject to the inspection and examination of the inspectors of the district police for the purpose of ascertaining whether said garments or articles of wearing apparel or any part or parts thereof are clean and free from vermin and every matter of an infectious or contagious nature. A room or apartment in any tenement or dwelling house which is not used for sleeping or living purposes, and which is not connected with any room or apartment used for living or sleeping purposes, and which has a separate or distinct entrance from the outside, shall not be subject to the provisions of this act. Nor shall anything in this act be so construed as to prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for such person's or family's use.
>
> If said inspector finds evidence of infectious disease present in

any workshop or in any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in the process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the local board of health to examine said workshop or any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, and the materials used therein; and if the said board shall find said workshop or tenement or dwelling house in an unhealthy condition, or the clothing and materials used therein unfit for use, said board shall issue such order or orders as the public safety may require.

Whenever it is reported to said inspector, or to the chief of the district police, or to the state board of health, or to either of them, that ready made coats, vests, trousers, overcoats or other garments are being shipped to this commonwealth, having previously been manufactured in whole or in part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin or to have been made in improper places, or under unhealthy conditions, he shall make report thereof to the state board of health, which board shall therefore make such order or orders as the public safety may require.

Whoever sells or exposes for sale any coats, vests, trousers or any wearing apparel of any description whatsoever which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as specified in section 44 of this act, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement made" and the name of the state and the town or city where said garment or garments were made.

No person shall sell or expose for sale any of said garments without a tag or label as aforesaid affixed thereto, nor sell or expose for sale any of said garments with a false or fraudulent label, nor willfully remove, alter or destroy any such tag or label, upon any of said garments when exposed for sale.

Whoever violates any of the provisions of this act relating to the manufacture and sale of clothing made in unhealthy places shall be punished by a fine not exceeding $200 or by imprisonment in the county jail not exceeding six months.

An examination of this law—and the laws of the other states are very similar—shows the way in which the government has attempted to control the evils of the sweating system. It will be noticed in the first place that a clear distinction is made between tenement *shop* work and tene-

ment *family* work. It is rightly felt that the right of family to do as it pleases with its rooms as regards working in sleeping rooms shall not be interfered with. The law therefore declares that all places in which clothing is manufactured other than by the members of the same family shall be a factory and must correspond to factory regulations as regards sanitation, lighting, etc. Work in private families, however, is subjected to regulation by the provisions that they must first obtain a license or permit from the chief factory inspector, which license will not be granted unless their rooms are in a cleanly condition.

Great prominence, it will be observed, is given to the idea of considering this question from the standpoint of the public health. In many respects the most important feature of the act is that requiring goods made in tenement houses, that is, in houses used also as sleeping places, to be plainly marked "tenement made." The purpose of this is evident. No one desires to purchase clothing that he knows has been made in dirty, unhealthy tenements. It is believed, therefore, that the enforcement of this provision will compel manufacturers to see that their garments are made under other conditions. The additional requirement that they shall be marked with the name of the state and city in which they were made is directed against New York tenement made goods being sold in the state. It is important to observe that every effort is made to hold not only the sweater and the family responsible for the observance of this law, but the manufacturers and merchants as well. Experience has shown that it is exceedingly difficult to prosecute the former, while the latter can be easily reached. The latter, moreover, are really the responsible parties.

In New York the factory inspector first called specific attention to the need of regulating the sweating system in his report for 1888. In 1891 special attention was again given to the subject. The result was the passage of the law of May 18, 1892. This law was very materially amended and strengthened in the following year and again

in 1896, 1897 and 1899. The law as it now stands, while following the general scheme of the Massachusetts law, differs from it in several important particulars. The purport of these differences is to make the regulation of the sweating system still more rigid and effective.

In the first place, the law relates to not only the manufacture of wearing apparel of all kinds, but of cigars, cigarettes, artificial flowers, feathers, purses, furs, hats, caps suspenders, etc. The manufacture of these articles is absolutely prohibited in any tenement or dwelling house, or in any rear building in the rear of a tenement or dwelling house, whether itself used as a dwelling or not, unless a permit from the factory inspector has been obtained, and this permit must state the maximum number of persons that can be employed. A matter of great importance is that provision which requires every person or firm giving out work to be done, to keep a record open for inspection of the names and addresses of all persons to whom the work is given to be made. The manufacturers can no longer say that they do not know who does their work or under what conditions it is performed, as that is a matter belonging to the contractor. The tag or label "tenement made" must be affixed to all articles found by the factory inspectors to have been made under conditions violating the provisions of this act.

The amendment of 1896 introduced the very important provision making the owner of any property responsible for its use in violation of this law, as well as the contractors or sweaters. No fact has been more clearly demonstrated than that in order to carry out the purposes of the legislature it is necessary to make all the parties concerned responsible.

In Pennsylvania the factory inspector first called attention to the sweating system in his report for 1892. In 1894 a special investigation of the system in Philadelphia was undertaken by one of the factory inspectors. The result of this inquiry was the passage of the law of 1895 which was afterwards replaced by a new law enacted in 1897. This law

follows closely the New York law except that it does not include any provision regarding the tagging of goods with the mark "tenement made." Eight additional factory inspectors were provided for, with the special duty of enforcing the new law.

Chicago, in Illinois, developed the sweating system in its worst form. The investigations of the factory inspector showed that while there were but 18 factories manufacturing clothing in 1895 employing 1421 persons, there were 1715 contractors or sweating shops with 14,902 employees. This number was a rapid increase over the preceding year, as in 1894 there were but 1413 shops with 11,102 employees. A law directed against the sweating system was enacted in 1893, but, as the figures show, has by no means lessened or even prevented the growth of sweating. The law prohibits the use of living rooms in a tenement house for the purpose of the manufacture of certain articles, except by the immediate members of a family, but does not prohibit the keeping of a workshop in a tenement house. The law also fails to include in the list of articles to which it relates a number of important articles. The wholesaler giving out the work is required to keep a list of the persons to whom work is given, but he is not in any way responsible if the goods are made under the sweating system. The inefficiency of the law is chiefly due to the fact that responsibility is placed on the contractor or sweater instead of the wholesaler, who can more easily be reached by the law.

In Ohio the inspector of factories in his report for 1892 called attention to the sweating system and urged legislation similar to that of Massachusetts and New York. A sweating law, however, was not enacted till April 27, 1896. This law is apparently very efficient. It provides that no dwelling or building, or any room connected with any tenement or dwelling shall be used, except by the immediate members of the family living therein, for the manufacture of clothing, cigars or cigarettes unless it corresponds to certain conditions set forth in the act. These conditions are

that any rooms so used shall be regarded as a factory, and then subject to inspection, shall be separate from and have no door, window or other opening into any living or sleeping room, and shall not itself be used as a living or sleeping room; it shall not even contain beds, bedding or cooking utensils. It must have a separate entrance of its own, be weli ventilated and lighted, have separate water closets for the two sexes, and must furnish at least 250 cubic feet of air space in the day time and 400 cubic feet at night for each person employed.

No manufacturer shall give out work to any one after the inspector of factories has notified him that the latter has not complied with the conditions of the act, and each such manufacturer is required to keep a record of the names and addresses of all persons to whom work is given.

New Jersey by an act passed March 17, 1893, prohibited the manufacture of clothing and tobacco goods in any room in a dwelling house except by the immediate members of the family occupying it; and forbade manufacturers giving out work to be done in a tenement or dwelling house by private families unless the latter were provided with a permit granted by the inspector of factories. The law, however, is very ineffective owing to inadequate penalties, the failure definitely to fix responsibility and inadequate number of inspectors to enforce its provisions.

Indiana in 1897 provided an important general factory act. Among its provisions were a number directed specially against the sweating system. They are in general similar to the laws of the other states on this subject.

Maryland has a single one clause act passed April 14, 1896, which makes it a misdemeanor to cause clothing or any other articles to be made in a place or under circumstances involving danger to the public health. The general way in which this act is worded and the absence of a specific statement of conditions to be avoided makes this law absolutely worthless.

The essential principles of this legislation directed against

the sweating system are easily apparent. The first effort was to bring all the small shops in which clothing was manufactured under the general factory laws, and thus subject them to a rigorous inspection as regards their sanitation, heating, lighting, etc. The second was to absolutely prohibit the location of such shops in buildings occupied as dwellings or tenements, and thus insure that the same rooms should not be used as both working and sleeping or living rooms. The third was to give the inspectors the right to forbid the manufacture of clothing under unhealthy conditions, or conditions likely to spread disease. Finally to enforce these regulations an extra force of inspectors has in almost all cases been provided.

These regulations, it will be observed, relate only to shops proper, that is, to places where an employer has under him employees. It would manifestly work a great hardship to forbid families taking in work. It therefore became necessary specially to exempt work performed by a family without any outside assistance. Families, therefore, as such, can manufacture clothing in tenements and dwellings. But it is just with this class of labor that the worst features of the sweating system are found. The law, therefore, while permitting them to work requires them to obtain a permit from the factory inspector to do such work, and this permit is only granted after the inspector has by an examination of the premises satisfied himself that they are in a clean and hygienic condition.

The only direct attack on the sweating system is that requiring tenement-made goods to be marked "tenement made."

The first attempts at legislation were all defective in one vital particular. The prohibitions were directed against, and the penalties imposed on, the petty sweater or the family. Experience soon showed that unless an army of inspectors was employed, it was impossible to ferret out the thousands of small shops located in cellars, attics and back buildings of tenement houses. In most of the states, therefore, amend-

ments were enacted placing the responsibility on the wholesale manufacturer and on the merchant. These were no longer allowed to shelter themselves behind the statement that they gave out the work to contractors and did not know where or under what conditions it was made up. Thenceforth they were required to keep a record of the names and addresses of all parties to whom work was given, and if the inspectors found that the latter were not complying with the conditions of the law he could notify the manufacturer and forbid him allowing any more of his work to be done there. In the same way the merchant was prohibited from offering for sale any goods made contrary to law.

As regards the practical results achieved by this legislation there can be no doubt that a great deal of good has been accomplished in the way of improving the conditions under which garment workers ply their trade. The inspector of factories of Massachusetts in his report for 1893 said: "The present law in Massachusetts has abolished all tenement house workshops wherein were employed others than members of the same family dwelling therein, and it stands as a bulwark against the future introduction of them, thereby preventing the spread of disease that these dirty tenement house workshops were very likely to breed. The only tenement house employment that remains in the state is confined to private families engaged principally in the finishing of trousers, and in 95 out of every 100 of these families the work is done by only one member of the family, usually the wife and mother. These houses are regulated by the agency of a license which they are obliged to procure in order to obtain work."

In the same year, the inspector of factories of New York reported that "under its (sweating laws) provisions we have been enabled to wipe out the worst places where clothing was manufactured and to cause a vast improvement in nearly every sweating shop in the city of New York. One thing has been demonstrated satisfactorily so far by the enforcement of the law regulating the manufacture of clothing, and

that is, that the dirt and overcrowding which were once the almost invariable attendants of the sweating evil can be practically wiped out." The report further indicates that 59 modern, well-appointed factory buildings were erected during the preceding year on sites formerly occupied by tenements. These buildings were built expressly to accommodate the clothing trade under the new conditions. They are from five to eight stories high, contain 483 separate shops, and have legal space for 15,477 workpeople. Eighty-five other tenement buildings were also remodeled and made into shop buildings, their use for domestic purposes being then stopped entirely. During the year 17,147 persons employed in the clothing trade were thus required to leave tenement and dwelling houses and locate in regular shops for the performance of their work.

The reports of the other states are similar in character. They all show that as far as the size of the factory inspection force permits, the purely physical conditions under which garment workers are employed can be materially improved.

In the foregoing account of the character and results of legislation concerning the manufacture of clothing and certain other commodities, it will be seen that the efforts of the states have been almost wholly directed to improving the conditions of the premises in which the work is carried on. In no case has the state attempted to interfere and say what sort of a contract an employer should make with his employees, whether time work should be substituted for piece work, or to regulate the wages or hours of labor of employees, except as already fixed by laws directed against the employment of women and children. The sweating system with its piece work system, long hours and small wages thus remains and must continue to remain untouched by state laws. To attempt to regulate them by law would involve a departure from the established policy of the government not to interfere with the liberty of individuals to make such contracts as they please, and in the case of most, if not

all of the states, would undoubtedly be declared unconstitutional as violating the principle by which the liberty of contracting is guaranteed to every individual. These are features, therefore, which, as has been intimated before, must be improved by the workingmen themselves.

Thus the inspector of factories of Massachusetts in a recent report says: "I wish to state that thus far through the enforcement of legislative enactment, the condition under which clothing was formerly manufactured has been greatly improved, yet no apparent financial benefit has accrued to the victims of the system, and I am firmly convinced that no legislation can ever be enacted to otherwise regulate it." The New York factory inspector is of like opinion, for in his report for 1895 he says: "It must be said, notwithstanding the improvement noted, that the sweat shop evil has not been eradicated. Only the surface conditions have been bettered. The long hours, small wages, with a constant tendency to lengthen the former and reduce the latter, still continue, and will always be a part of the clothing industry in this country while the law permits the contractors to farm out the clothing to families and pit one family against another."

CHAPTER V.

THE INSPECTION OF MINES.

The conditions under which mining operations must be conducted are so peculiar and offer dangers of such a nature that most nations have found it desirable to enact special laws regulating the manner in which this industry must be prosecuted. The present chapter is an attempt to show in a rapid sketch how this obligation has been interpreted by the different commonwealths of the United States. In other words, it is desired to show to what extent the mining of coal in the United States is considered an industry requiring special regulation, and what is the character of this regulation as it exists at the present time.

Coal is mined in considerable quantities in only a portion of the United States. We therefore find that of the 45 states and three organized territories 18, or slightly over one-third, do not possess any laws relating specially to coal mining. In most, if not all of these, there is little or no mining done. Disregarding these there remain 30 states, Alabama, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Utah, Washington, West Virginia and Wyoming that have enacted more or less detailed laws concerning mining. A study of the extent to which coal mining is subjected to special regulation therefore involves only the consideration of the legislation of these thirty states.

An examination of these various laws shows that a very general agreement has been reached by the different legisla-

tures in regard to the character of the regulations that should be provided. The laws of all are strikingly similar. The same provisions and even the same phraseology are found repeated in the statutes of state after state. The differences that exist are mainly in the extent to which regulation is attempted and the efficiency of the system that is provided for its enforcement. It is quite feasible, therefore, to study the legislation of the states as a whole.

If these mining laws be examined analytically it will be seen that their purposes can be grouped in six distinct classes: 1) the regulation of the employment of women and children; 2) the formulation of a set of rules and regulations setting forth more or less specifically the manner in which the operation of mining must be conducted; 3) the insuring that competent men will be employed to fill responsible positions, which is largely done through a system of state examination and the granting of certificates of competency; 4) the requirement that all fatal or serious accidents be reported and investigated; 5) the protection of the rights of miners through regulating the manner of weighing or measuring the quantity of coal mined and the frequency and character of wage payments; and 6) the provision of an inspection service for the purpose of insuring that the laws relating to mining are duly enforced. By taking up each of these points in turn we shall be able to obtain a clearer idea of the extent to which these various objects have been provided for by the different states.

First, in regard to the extent to which the employment of women and children has been specifically prohibited:

Of the 30 states to which we have accredited mining laws ten, Alabama, Arkansas, Colorado, Illinois, Indiana, Missouri, Pennsylvania, Washington, West Virginia and Wyoming, absolutely forbid the employment of women either in or about mines (clerical work in offices sometimes excepted). As regards the employment of children 20 prohibit the employment of both sexes under a certain minimum age. The five states, Alabama, Iowa, North Carolina, Ten-

nessee and West Virginia have the least rigid exclusion, their laws providing that children under 12 years of age shall not be employed. Furthermore, in Missouri, children under 14, in New Jersey those under 15 and those under 16 in the other states shall not be employed unless they are able to read and write. Ten states, Arkansas, Idaho, Illinois, Minnesota, Indiana, Montana, Pennsylvania, South Dakota, Washington and Wyoming have fixed the minimum age of employment at 14, and Arkansas has in addition required boys under 16 to be able to read and write as a condition precedent to employment. Ohio prohibits the employment of children under 15 years of age in mines. The United States statutes on this subject simply provide that children under 16 years of age can not be employed in any mine in the territories. These prohibitions apply to work above as well as under ground, with the exception of Pennsylvania where the employment of children under 14 years of age in mines is prohibited, but boys between the ages of 12 and 14 years are allowed to work about mines.

It is interesting to note that but five states have attempted to regulate the hours of labor of adults in this industry. Utah, Colorado and Wyoming have declared eight hours to constitute the maximum length of the working day that can be required of any miner, unless extra efforts are required to save property or life; and Montana in 1897 imposed a similar limitation on the hours of labor of hoisting engineers in mines. Ohio passed a somewhat similar law limiting the hours of labor of railway and mine employees to ten a day. These restrictions, it should be understood, do not prevent mine owners from operating their mines any number of hours, by using different shifts of men.

The constitutionality of these laws has been repeatedly contested on the ground that they interfered with the liberty of contract and the property rights of employers as guaranteed by the constitution. The Ohio law was declared unconstitutional. The Colorado law was likewise annulled on the ground that it violated a provision of the state con-

stitution. On the other hand, the supreme court of the United States, in a notable decision in 1898, sustained the Utah law. This would seem definitely to establish the power of the states to pass laws limiting the hours of labor of mine employees, provided their own constitutions did not contain clauses prohibiting such legislation.

Much the greater portion of the mining laws is devoted to setting forth in greater or less detail the various regulations which must be observed in the working of mines. The development of these has been in almost all cases one of gradual evolution. The earlier laws simply provided that proper precautions should be taken to secure the safety of miners. From year to year additional legislation was enacted, specifying particular conditions that must be observed. In time these provisions were gathered together and reenacted as a single law, thus constituting what might be called a mining code.

It is manifestly impracticable to attempt here to describe the exact character of the legislation in each state individually. Fortunately, even the desirability of doing this does not exist. The same provisions are found reproduced with but little change in the laws of almost all the states, the only difference being in the extent to which the formulation of mining regulations has been carried. The following recapitulation of the essential provisions of this legislation gives all of the material points covered by any of the mining laws. Some of the states, notably Pennsylvania, cover practically all of the points here enumerated in their laws, while others merely include the most important.

The mining code of an American state in its most developed form therefore provides: 1) that every owner, operator or superintendent of a mine employing over a certain number of persons, usually ten, shall cause to be prepared an accurate map or plan of such mine on a scale of 100 or 200 feet to the inch showing all the workings of the mine; that this map shall be revised at least once in six months in order to show new workings; that when a mine is aban-

doned a final accurate map must be made of it, and that copies of these maps must be furnished to the mine inspector and other copies be kept where they can be readily inspected at the mines; 2) that in mines where 20 or sometimes ten persons are employed there must be at least two escapement openings to the surface from each seam, separated from each other by natural strata of a certain thickness, 100 or 150 feet; 3) that mines must be so ventilated by artificial means that there will be furnished a minimum of 100 cubic feet of air a minute for each person employed; 4) that doors used to direct or control ventilation be so hung that they will close automatically and that doorkeepers be provided for the more important passages; 5) that an adequate supply of timber for props be constantly available; 6) that suitable means be provided for raising or lowering workingmen in mines, and to secure this that the cage used for this purpose have a top or bonnet of metal to protect the passengers from articles or rocks; that no single cable be used; that the cage be equipped with a safety catch; and that the cable drum be provided with flanges and a brake; 7) that all passage-ways through which cars pass have shelter holes in the sides not less than 15 or 30 feet apart into which workingmen may retreat to avoid passing cars; 8) that the mines be kept well drained; 9) that there be a metal speaking-tube or other means of vocal communication between the bottom and top of all shafts; 10) that a certain code of signals, usually as specified in the act, be employed to regulate the movement of the cages up and down the shafts; 11) that only authorized persons be allowed to ride on loaded cars and cages; 12) that no coal be hoisted while men are ascending or descending the shafts; 13) that all machinery be properly guarded; 14) that abandoned passages be closed; 15) that shaft openings be fenced; 16) that steam boilers be inspected at certain intervals; 17) that only a certain quality of vegetable or animal oil be used for lighting; 18) that precautions be taken to prevent injury from falling coal or rock; 19) that blasting operations be properly regulated;

20) that copies of mining rules be conspicuously posted. For mines generating fire-damp special precautions must be taken, as 21) that they be examined every morning with a safety lamp before miners go to work; 22) that all safety lamps be owned by mine owners; 23) that bore holes of a certain depth be kept in advance of the workings of all passages when approaching workings.

The above are the usual provisions of a mining code. In a few cases conditions are given which are not included in this list. Thus Pennsylvania requires all stables in mines to be built in the solid strata without the use of wood; Pennsylvania and Montana, that stretchers be provided for removing injured workmen; and Kansas, that all blasts be fired by special firers.

Rules, however, can never replace the personal element. The best of rules are of but little avail unless competent men can be secured to supervise their application. The most significant and important feature of the whole system of mine regulation, therefore, is that by which a number of states have sought through a system of examinations to insure that those in charge of the actual operations of mining shall be competent men. The positions thus specially provided for are those of mine foreman or boss, fire boss, and occasionally that of hoisting engineer.

The majority of the mining states, including California, Colorado, Kansas, Maryland, New Mexico, Tennessee and West Virginia, simply provide that the underground operations of mines shall be in charge of a competent superintendent or mining boss, whose special duties are to see that a proper amount of ventilation is provided, that the walls and roof are properly timbered, etc., and that in the case of all mines generating fire-damp there shall be employed a "fire boss," with the duty of examining all working-places for gas every morning before the miners go to work.

The more important mining states, however, have gone much further. They have treated the positions of "mine boss" and "fire boss" as of such responsibility that no one

is allowed to fill them till it is duly certified by the state that he possesses the required knowledge and experience. These positions have thus been put into the category of licensed occupations, such as piloting and plumbing. States have thus required on the one hand that every mine be under the supervision of such officers, and on the other that these officers be in possession of certificates of competency granted after satisfactory examination.

The Pennsylvania law, for example, provides that on the petition of any mine inspector the court of common pleas in any county in the district shall appoint a board of examiners to consist of a mine inspector, a miner who has received a certificate of competency, and an operator or superintendent, whose duty it is to examine all applicants for the position of mine or fire boss. To secure a certificate of competency it is necessary for an applicant 1) to be at least 23 years of age; 2) to have had five years' experience as a miner in bituminous coal mines of the state after he had attained the age of 15 years; 3) to be a citizen of the state; 4) to be of good moral character; and 5) to pass an examination as to his knowledge of mining. Certificates of two grades are granted, that of the first grade to those who have had the experience which qualified them to serve in mines producing gas; and that of the second grade to those who have not had this experience and therefore can not be employed in such mines. In order to protect those serving as mine or fire bosses when the act was passed, it was provided that "certificates of service" should be granted to those who had been employed with the same company during the year preceding, with the proviso, however, that before they could take service with another company they should obtain a certificate of competency.

Illinois, Indiana, Alabama, Montana and Wyoming have followed the lead of Pennsylvania and have enacted almost identical provisions, the first two requiring in addition that all hoisting engineers must also be provided with certificates of competency.

As the prevention of accidents constitutes the most important purpose of mine regulation, it is evidently very desirable that accurate information should be obtained concerning the frequency and causes of accidents, in order to determine the responsibility for such occurrences, and whether any progress in their prevention is being made. Every one of the 20 states possessing factory codes, with possibly one or two exceptions, requires that the mine owner or superintendent shall report to the inspector of mines every accident resulting in death or serious injury to an employee. It is further provided that in case of fatal accidents the coroner shall be notified and an inquiry held to determine the person at fault for its occurrence. The mine inspectors are also required to embody in their regular reports statements of all accidents occurring during the year. The information thus afforded is of great value, but unfortunately in no case does it approach anything like desirable detail. The term "serious injury" which occurs in all the acts is altogether too vague and uncertain. In order to be of the maximum value the report of each accident should show the cause of such accident, the extent of the injury caused, whether resulting in death, total or partial incapacity for labor, or temporary disability, the length of time so disabled, the age of the person injured, and whether the accident was due to the fault of the person injured, to another, or to an unavoidable cause. Whatever the information obtained, however, it is to be regretted that greater uniformity does not exist between the practice of reporting accidents in the different states. Improvement in the collection of statistics of accidents to miners is largely dependent on the mine inspectors of the different states adopting the same form of report for accidents.

We now turn to what may be called the keystone to the whole system of state regulation of mines—viz.: the appointment of state officers or mine inspectors with the duty of personally supervising or controlling certain features in mining and seeing that the conditions required by the state

are complied with. It has been the universal experience that labor legislation is of little utility unless some system of good government supervision is at the same time provided. In a way, therefore, the measure of the efficiency of mine regulation is that of the efficiency of mine inspection.

Most of the mining states have recognized the necessity for government supervision, and 27 states have made some provision for the inspection of mines. The majority of these, viz.: Arkansas, Idaho, Kansas, Kentucky, Maryland, Michigan, Missouri, Utah, Washington and Wyoming, have provided for only one inspector. In North Carolina and Tennessee, the commissioner of labor is the inspector. In New Jersey and New York, where there are no coal mines, the offices of inspector of factories and mines are combined. Maine, which also has no coal mines, has an inspector of factories, workshops and mines, but his duties seem to be of a purely statistical character. The United States statute provides that an inspector of mines shall be appointed by the president for each territory producing 1000 tons of coal yearly. Colorado, Indiana, Montana and West Virginia each has two inspectors; Alabama and Iowa each has three inspectors; Washington has a state geologist who acts as mine inspector, and has two assistant inspectors; Illinois has seven inspectors; Ohio has one chief inspector and seven district inspectors; and Pennsylvania has one inspector for each district containing not less than 60 nor more than 80 mines.

The duties of inspectors are generally stated to be to inspect all mines with specified frequency, yearly, semi-annually or quarterly, and to see that all the requirements of the law relating to mining are strictly complied with. In addition to these general duties, however, it is usual to specify that they shall keep an exact record of all inspections, and that they shall report annually or biennially, showing particularly the condition of the mining industry and the number of accidents. These reports therefore serve the double purpose of showing the results accomplished by

inspection, and giving general statistics and other information concerning mines.

For the enforcement of mining laws, with their technical provisions, it is evident not only that a considerable technical knowledge is required of the inspectors, but that no small degree of discretion must be left to them in the enforcement of the obligations which they impose. It is highly desirable, therefore, that competent and specially trained men should be secured for these positions. As the most certain way of accomplishing this, the practice is now becoming general for these officers to be selected only on satisfying certain requirements and passing a wholly or partly competitive examination.

The Pennsylvania system thus provides for a board of examiners to be composed of two mining engineers and three other persons who have passed examinations as mine inspectors or mine foremen, to examine candidates for the position of inspector of mines. The examination must be in writing, with an oral examination concerning explosive gases and safety lamps. Candidates must be citizens of the state, of temperate habits, 30 years of age or over, with at least five years' experience in bituminous coal mining in the state, and an experience in mines generating firedamp. The names of successful candidates are certified to the governor, who makes the appointments.

Illinois has a board of examiners composed of two practical miners, two coal operators and one mining engineer appointed by the bureau of labor statistics. The qualifications required of inspectors are about the same as in Pennsylvania. In Indiana the inspector is appointed by the state geologist after an examination, and an assistant inspector is appointed by the latter, also after an examination. Both must have had an experience of at least ten years in practical mining. In California the examining board is appointed by certain judges, and the inspectors must be 30 years of age and have had five years' mining experience. In Washington the board consists of three practical coal

miners, three coal operators and a mining engineer, and the inspector must have two years' experience. Iowa has a board composed of two miners, two operators and a mining engineer, and the inspector must be 25 years of age with five years' experience. The other states which do not possess mining boards usually specify that inspectors must be of a certain age, possess both a theoretic and practical knowledge of mining, and have had an experience in practical mine work for a certain number of years. In all cases it is provided that inspectors must not be financially interested in any mine in the state.

The last class of mining laws are in their nature quite distinct from those we have been considering. They have for their object the regulation of the relations between mine operators and their employees. The economic dependence of the miners has undoubtedly in some cases been taken advantage of in the past, and the miners defrauded or at least unjustly treated in a number of ways. The two greatest grievances of the miners have been that the employers have not given them credit for all the coal mined by them and that they have been compelled to trade at stores owned and conducted by the mine owners.

In itself the establishment by the companies of stores to supply the wants of their employees possesses nothing detrimental to the rights or liberties of the workingmen. On the other hand there is no reason why they should not serve a useful purpose. Unfortunately there can be little doubt that in many instances these stores have been used by companies as a means of oppression. Miners were compelled to trade at the store conducted by their employers, and to insure their doing so they were frequently paid in scrip orders on the store instead of in money. A system of credit was at the same time practised which kept the workingman constantly in debt to the company, and as the wages were withheld to meet this indebtedness, employees would frequently go for long periods without receiving any money that they could dispose of as they saw fit. There was no

check on the prices that could be charged for commodities. Any increase in wages could thus be made a fiction.

For a long time this "truck system," as it was called, constituted one of the greatest sources of friction that existed between the mine owners and their employees. The miners themselves did not possess sufficiently strong organizations to offer a successful resistance. Great pressure was therefore brought to bear on the legislatures of all the mining states to prohibit by law the system of company stores, and most of the states passed laws to this effect. This prohibition has taken two forms, either directly forbidding mining companies to own or control stores, or more often requiring that all wages shall be paid in money, or if paid in scrip that this scrip shall be redeemable on demand in money. At the same time the payment of wages as often as once every two weeks was made obligatory.

The constitutionality of these laws has been attacked in a great many instances, and many of them have been declared unconstitutional. In Pennsylvania, Illinois, Missouri and Tennessee they were declared void because they violated the liberty of contract guaranteed by the constitution. In Tennessee the curious ground was taken that such a law indirectly provided for imprisonment for debt, which was prohibited by the constitution. In Indiana, however, the law was upheld and New York avoided any constitutional objections by limiting the scope of the law to corporations. In spite of the fact that laws regulating the payment of wages have been declared void in so many states, the results desired have in great part been accomplished. This has been due, on the one hand, to the arousing of public opinion on the subject, and on the other, to the fact that employers are beginning to recognize more fully their obligations toward their employees.

As regards the second complaint, concerning the manner of determining the amount of coal mined by each miner, practically all of the 20 states under consideration have enacted laws the purpose of which is to insure that the

coal is honestly weighed. There is little difference between the legislation of the several states. The typical method of regulation is to prescribe that at all mines there shall be provided with suitable and accurate scales for weighing coal; that these scales shall be inspected periodically by mine inspectors or the miners themselves; that the weighman must take oath to perform his duties honestly and keep an accurate record of the amount of coal weighed; that these records shall be open to inspection; and finally, as an additional precaution, that the miners shall have the right to employ a "check-weighman" who shall be permitted by the company to superintend the weighing of all coal, and thus control the work of the company's employee. In case such a check-weighman is employed he must also be sworn and must keep an accurate record of the coal weighed. Some states, as Maryland, Pennsylvania and West Virginia, also require that all cars be numbered, and their weight and capacity plainly marked on each one.

A few states, notably Illinois, Indiana, Iowa, Kansas, Missouri and Washington have exercised a more direct intervention and made it compulsory on all mine operators to weigh coal before it is screened. This law has been resisted by the mine operators, and in Illinois at least has been declared unconstitutional, because it is special legislation and deprives persons of the liberty of making their own contracts.

We have now passed in review the various ways in which the operations of mining have been subjected to special regulation by the states. Experience has amply demonstrated that this interference on the part of the government, and the formulation of regulations setting forth in detail the various precautions that must be taken, have been absolutely necessary for the protection of miners against accidents. The present degree of regulation has been the result of a gradual growth, and the goal has as yet been by no means reached. Pennsylvania, Illinois, Ohio, West Virginia and several other important coal mining states are

now in possession of quite complete mining codes, but the majority of states have far from reached this standard. The latter have, however, the completer legislation of the former states as models, and not a year passes without additions and improvements to the mining laws of some of them.

To one looking over the whole field it seems that the most important step that can be taken is to extend the system already practised by a number of states of securing the thorough and frequent inspection of mines by competent officials and the requirement of certificates of competency on the part of men assigned to fill responsible positions. James Bryce, with his accustomed perspicuity has said that good men can make any political system work tolerably, but that no system however perfect will give satisfactory results unless in the hands of honest and capable persons. What is true of political machinery is equally true of industrial organization. Certainly it is desirable to have a good code of mining regulations, but it is more important still that capable men be secured to direct their application.

CHAPTER VI.

INDUSTRIAL CONCILIATION AND ARBITRATION.

The power to enact legislation in relation to the settlement of labor difficulties lies entirely within the domain of the individual states, with the single exception that the control of the federal government over interstate commerce gives it power to enact legislation in relation to labor disputes affecting transportation companies engaged in such work.

For all practical purposes, the year 1886 marks the beginning of modern legislation on the part of the state for the arbitration or conciliation of strikes. Prior to that date New Jersey in 1860, Pennsylvania in 1883 and Ohio in 1885 had, to be sure, passed laws in relation to this subject, but their provisions were of little importance, merely granting permission to employers and employees to settle their disputes through arbitration, a right which they really possessed without such legislation.

In 1886, however, a radical departure from the character of this legislation was made. In that year Massachusetts and New York each passed a law providing for the creation of a permanent state board of arbitration and conciliation to which industrial disputes might be referred for settlement. The lead of these two states was quickly followed, and at the present time there are 24 states[1] with legislation in relation to the arbitration and conciliation of labor disputes upon their statute books.

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[1] Massachusetts, New York, Montana, Michigan, California, New Jersey, Ohio, Louisiana, Wisconsin, Minnesota, Connecticut, Illinois, Maryland, Utah, Indiana, Idaho, Colorado, Wyoming, Kansas, Iowa, Pennsylvania, Texas, Missouri and Nebraska.

It is manifestly impracticable within the limits of this monograph to attempt a statement of the character of the legislation of each of these states. Of the 24 states mentioned but 16[2] make provision for a permanent state board of arbitration, and in but four or five of these has any effective system been inaugurated in virtue of these laws. The laws of the remaining states for the most part only provide that when the parties desire or petition for it, local or temporary tribunals can be created for the arbitration of their disputes.

The Missouri law provides that when differences arise between employers and employees threatening to result or resulting in a strike or lockout, it shall be the duty of the commissioner of labor to mediate between the parties to the controversy, if either party requests his intervention, and under certain circumstances to form local boards of arbitration. Similar powers are conferred on the commissioner of labor statistics of the state of North Dakota.

The laws of Pennsylvania, Iowa, Kansas, Maryland and Texas simply authorize the law courts to appoint tribunals of voluntary arbitration when the parties to labor disputes petition for or consent to their appointment, the jurisdiction of such tribunals being limited to the county or portion of the state in which the dispute may arise.

These laws merit but little attention. The parties to such controversies have rarely if ever availed themselves of the provisions of the laws in the states where there are no regularly constituted boards of arbitration.

As regards the legislation of many of the states providing for permanent boards, the same statement can be made. In some of these states no boards have ever been constituted in virtue of the law, and in others but insignificant results have been accomplished by the boards after they have been organized. From every point of view, the systems created

[2] Massachusetts, New York, New Jersey, Ohio, Connecticut, Illinois, Montana, Michigan, California, Louisiana, Wisconsin, Minnesota, Utah, Indiana, Idaho and Colorado.

by the states of Massachusetts and New York are the most worthy of study. They were the first created and have now had an uninterrupted existence of 13 years or more, and the work done by them is far in excess of that done by all the other boards combined. The systems created in both states are very similar. The following is a brief statement of the essential features of the Massachusetts law:

A state board of conciliation and arbitration is created to consist of three persons appointed by the governor of the state. One of these persons must be an employer selected from some association representing employers of labor, one not an employer and selected from some labor organization, and the third to be selected by the two. Their term of office is three years, one retiring each year, and their salary $2000 each a year.

The usual method of bringing controversies before the board is as follows: Whenever any dispute arises between an employer of 25 or more persons on the one side and his employees on the other, either party can make application to the board for its intervention. These applications must be signed by the employer or a majority of the employees in the department of business in which the difference exists, or by their duly authorized agent. On the receipt of this application the board must as soon as possible visit the establishment, make a careful inquiry concerning the cause of the dispute, and make a written statement of its decision, which decision must be properly recorded and also at once made public.

In the hearing of the case, either of the parties can ask for the appointment of a person to act in the case as expert assistant to the board. Such expert will receive for his services $7 a day and necessary traveling expenses.

The decision of the board is binding on the parties who join in the application for six months, or till either party has given a 60 days' notice of his intention not to continue to abide by the decision.

It is also made the duty of the mayor or municipal au-

thorities of cities and towns to notify the board when a strike or lockout is seriously threatened or actually occurs.

In addition to thus intervening when called on, it is the duty of the board whenever it receives information, either through the mayors or town authorities or others, that a strike or lockout as above described is threatening or in progress, to put itself in communication with the parties, and endeavor by mediation to effect an amicable settlement between them or to refer the matter to arbitration for settlement. In such cases the board can, if it deems it advisable, investigate the causes of the trouble, determine the party which it believes to be at fault and publish its findings, assigning the proper responsibility.

Provision is finally made that parties to disputes can if they desire refer the matter to a local board of arbitration to be created for that purpose, in the manner laid down by the act.

The most important feature to be noted in this as well as in the legislation of all the other states is that not the slightest attempt has been made to introduce the principle of compulsory arbitration. The general feeling in the United States in regard to this subject is that while such a measure might be desirable, no way has as yet been devised by which such a scheme could be made to work. The chief, if not the only reliance must be placed on the good faith of the parties and the moral effect exerted by the decision of the board.

The arbitration boards of most of the states have either been in existence for a short time, or their operations have been on so small a scale that little can be learned concerning their efficiency.

The boards of Massachusetts and New York, however, have now been in existence 13 years, and their annual reports afford valuable data for a study of methods of arbitration. The reports of the board of New York are not so compiled as to permit of a tabulated statement of the work achieved. The following table, however, compiled from the annual reports of the Massachusetts board, shows that

the work of the board, at least quantitatively considered, is of much importance.

Year.	Cases cited in annual report.	Estimated yearly earnings of employees directly concerned.	Estimated yearly earnings of all employees in factories concerned.	Cost of maintaining board.
1886	4	.....	.....	.....
1887	21	.....	.....	.....
1888	41	$953,170	$5,735,992	$8,602 30
1889	26	3,684,000	10,162,000	8,433 38
1890	34	4,056,195	12,044,525	8,108 86
1891	30	2,307,000	9,038,750	8,592 36
1892	40	2,034,804	8,986,210	10,430 44
1893	36	1,652,246	8,637,625	8,980 00
1894	39	6,054,900	10,039,700	10,873 15
1895	32	1,704,666	7,483,250	10,028 16
1896	36	1,036,360	3,840,800	10,397 87
1897	31	1,216,300	10,012,480	11,305 86
1898	22	4,227,570	7,849,703	8,714 07

In regard to the value of the work of these boards, though they have far from obviated strikes, or even been as effective as it was hoped they would be, it is the general opinion that the boards have proven to be useful institutions.[3]

The boards themselves undoubtedly think that they accomplish results of sufficient importance to justify their maintenance. The Massachusetts board thus says in one of its reports: "It is very confidently to be asserted, as we have said in former reports, that arbitration and conciliation

[3] The contrary opinion is held by Mr. North in his article, Industrial arbitration, its methods and its limitations, Quarterly Journal of Economics, July, 1896.

in the name of the state are fully justified by practical experience in this Commonwealth." Mr. Cummins, who has made a careful examination of the work of these boards on two separate occasions, is of the same opinion. He well says: "They (the board) accomplish much more than they actually decide. Their work is largely preventive. They remove the last excuse for gratuitous resort to industrial warfare by employer or employee. They lend official dignity to all important principles of peaceful negotiation. They menace the guilty with the displeasure of public opinion, which is nowadays more and more backed by money as well as morals, and they strengthen the weak with the hope of aid against oppression. They stand for a generous recognition of industrial liberty as opposed to class theories of compulsion. In the official organ of impartial investigation they also remove the last excuse for unwise and unintelligent meddling on the part of public opinion."[4]

[4] As is well known, the federal government has taken action regarding the arbitration of labor disputes affecting interstate commerce, first by the act of October 1, 1888, and later by the act of June 1, 1898. Interesting as is the legislation its consideration does not fall within the scope of this paper.